

OFFICIAL REPORT OF PROCEEDINGS

BEFORE THE

NATIONAL LABOR RELATIONS BOARD

REGION 21

In the Matter of:

Starbucks Corporation

Case No. 21-CA-294571

and

Workers United Labor Union
International, Affiliated with
Service Employees
International Union.

Place: Los Angeles, California

Dates: February 7, 2023

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eScribers, LLC

E-Reporting and E-Transcription
7227 North 16th Street, Suite 207
Phoenix, AZ 85020
(602) 263-0885



UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 21

In the Matter of:

STARBUCKS CORPORATION,

Case No. 21-CA-294571

and

WORKERS UNITED LABOR UNION
INTERNATIONAL, AFFILIATED WITH
SERVICE EMPLOYEES
INTERNATIONAL UNION.

The above-entitled matter came on for hearing, pursuant to notice, before **BRIAN D. GEE**, Administrative Law Judge, U.S. Court House, Spring Street, 312 N. Spring Street, 10th Floor, Los Angeles, California 90012, on **Tuesday, February 7, 2023, 9:05 a.m.**



1 A P P E A R A N C E S

2 **On behalf of the General Counsel:**

3 **LINDSAY R. PARKER, ESQ.**
4 **PHUONG DO, ESQ.**
5 NATIONAL LABOR RELATIONS BOARD
6 312 N Spring Street
7 10th floor
8 Los Angeles, CA 90012
9 Tel. (213)294-5254

7 **On behalf of the Charging Party:**

8 **GABE FRUMKIN, ESQ.**
9 BARNARD IGLITIZIN & LAVITT LLP
10 18 West Mercer Street
11 Suite 400
12 Seattle, WA 98119
13 Tel. (206)257-6012
14 Fax. (206)378-4132

12 **On behalf of the Respondent:**

13 **JONATHAN LEVINE, ESQ.**
14 **NOAH GARBER, ESQ.**
15 **RANA HAIMOUT, ESQ.**
16 **PAUL WEINER, ESQ.**
17 LITTLER MENDELSON, P.C.
18 111 E Kilbourn Ave
19 Suite 1000
20 Milwaukee, WI 53203
21 Tel. (414)291-5536
22 Fax. (414)291-5526

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I N D E X

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P R O C E E D I N G S

JUDGE GEE: Good morning, everyone. It is Tuesday, February 7th. We are here in person in Region 21 for day 2 of the Starbucks hearing in case 21-CA-294571.

Now, a number of administrative issues have arisen during our pre-hearing discussions this morning. One has to do with the remainder of the hearing after today. The second has to do with the production of the subpoenaed documents.

Let's do the production of the subpoenaed documents first. And let me have General Counsel update me as to the status of that.

MS. PARKER: Yes. So -- so yesterday morning -- and -- and throughout the day -- Respondent did provide one, a joint -- a proposed joint stipulation, which we're still in the process of reviewing, accompanied by several joint exhibits. Most of the items in the joint propo -- propo -- proposed stipulation and exhibits were -- were documents that we had discussed with Respondent previously, but we need to look at the language of the stipulation a bit more and talk to the Regional attorney before we get back to Respondent on that.

So that -- that was one piece they provided yesterday. And then they also provided us two -- right, two installments of subpoena documents --

MR. DO: Correct.

MS. PARKER: -- through a secure server, which we



1 downloaded and had some technical issues and some of the
2 formatting and the Agency equipment getting it to work. But
3 eventually, we -- we sorted out the -- the kinks, and we were
4 able to start looking through the documents. So I don't know
5 how much of the production that is at this point. My
6 understanding is there's still much more coming, but they have
7 been providing us at least part of the subpoena production so
8 far.

9 JUDGE GEE: All right. Let -- let me get some details on
10 this. And I'll give all the other party counsel an opportunity
11 to speak.

12 In terms of the joint stipulation with exhibits -- are
13 those tied to particular paragraphs of the complaint? And if
14 so, which ones?

15 MS. PARKER: I think I have that in front of me. Yes. So
16 in part, it -- it would resolve paragraphs 1 through 4 of the
17 complaint, and then it provides some of the factual background
18 as to that April 8th meeting that a -- is at issue in this case
19 as to who attended, and who was invited, and the location --
20 things like that.

21 So I would say, as far as the paragraphs in the complaint,
22 1 through 4, obviously.

23 (Counsel confer)

24 MS. PARKER: Give me one second, Your Honor. I'm just
25 trying to pull up the complaint.

1 (Counsel confer)

2 MS. PARKER: So -- so 6 and -- 6 and 7, establishing the
3 background as to those paragraphs, not the allegations
4 themselves.

5 JUDGE GEE: All right. And the document production -- why
6 don't you tell me in terms of the number of approximate pages
7 that have been presented to the General Counsel.

8 MS. PARKER: What would be the number of pages? There
9 are -- there's some videos, there's photos.

10 JUDGE GEE: Or -- or maybe items or documents?

11 MS. PARKER: The Respondent may be able to better answer
12 that question.

13 MR. LEVINE: It's --

14 MS. PARKER: We haven't -- I don't know if we've done a
15 count.

16 MR. LEVINE: So Your Honor, I'll identify who -- who'll be
17 speaking about what for us, because I think that was one of
18 your instructions --

19 JUDGE GEE: Yes.

20 MR. LEVINE: -- yesterday, I think. Mr. Weiner will be
21 talking about document production. So I'll turn it over to
22 him.

23 JUDGE GEE: All right. Mr. Weiner?

24 MR. WEINER: Good morning, Your Honor. Yesterday, we did
25 make several productions. It was a large production, several

1 thousand pages, including some videos.

2 JUDGE GEE: And when you say "several thousand", what is
3 that? Three or four?

4 MR. WEINER: I would say about 1,000.

5 JUDGE GEE: 1,000 pages. All right. As well as documents
6 and photographs?

7 MR. WEINER: Absolutely. And videos.

8 JUDGE GEE: I'm sorry. Go ahead.

9 MR. WEINER: That's the answer to the question. We have
10 some -- some comments on the subpoena going forward, but I
11 don't -- I don't know if you want to address those at this
12 time.

13 JUDGE GEE: It'd probably make sense for you to confer
14 with the General Counsel today, and then raise something at the
15 end of today's session. It would --

16 MR. WEINER: All right.

17 JUDGE GEE: After we take General Counsel's witness we
18 can -- we can remain, and I'll let you folks have that
19 discussion and then get back on record to discuss where we're
20 at.

21 MR. WEINER: Absolutely.

22 JUDGE GEE: Mr. -- and so General Counsel, in terms of
23 what you plan to present today, could you outline that for me,
24 please?

25 MS. PARKER: Yes. Today, we will be presenting the formal



1 exhibits, and we will be presenting our witness and some -- a
2 few documents through the witness. And that's the plan for
3 today. I mean, we just got the subpoena production -- like I
4 said, there was some technical issues trying to obtain those
5 documents, download them to our Agency system, so we're still
6 in the process of going through those documents.

7 MR. DO: Yeah. I agree.

8 MS. PARKER: We still need to look through their stip --
9 stipulation in more detail and discuss it with the Regional
10 attorney. So we will continue to do that and work with
11 Respondent and it's most likely when we resume, at whichever
12 date we choose down the road, that we're able to present the
13 full stipulation as well as documents through the subpoena
14 production.

15 JUDGE GEE: So the -- these -- the joint stipulations will
16 not be offered today?

17 MS. PARKER: Not today. They're not -- we have not had
18 time to thoroughly review it with the Regional attorney, and we
19 still need to do that. We also want to see -- make sure we
20 fully understand the depth of the subpoena production before we
21 finalize the stipulation. There may be some documents from the
22 production of documents that we'd like included in the
23 stipulation, so we're still in the process of sorting that out.

24 JUDGE GEE: All right. And Mr. Frumkin?

25 MR. FRUMKIN: I -- I don't have any -- anything



1 substantive to add to that.

2 JUDGE GEE: All right.

3 MR. FRUMKIN: Thank you.

4 JUDGE GEE: All right. And Mr. Levine, after today -- or
5 in anticipation of Respondent's defense, could you describe
6 what you anticipate the number of days and number of witnesses
7 that Respondent anticipates presenting in its defense in this
8 case?

9 MR. LEVINE: I -- sure, Your Honor. And you know, I'll
10 give you the lawyer answer, which is it could be very short,
11 and it could be very long. And I'll explain why.

12 JUDGE GEE: Before we go on, could you describe what would
13 fall within the definition of short and what would be
14 definition of long?

15 MR. LEVINE: Sure. So I think -- I think short would be
16 about three days. I think long would be about two weeks. I
17 think the universe of witnesses would be 5 to 20, depending on
18 the nature of the defense. And I think after we hear the
19 General Counsel's first witness and have some more
20 administrative discussion, I'll personally have a better sense
21 of where in that window the case falls. I think I'll -- I'll,
22 hopefully, from those discussions have a clearer picture.

23 But as Your Honor knows, there are, you know, essentially
24 without -- there are two central defenses regarding -- and this
25 relates entirely to the solicitation allegation, right? The --

1 the -- the -- the alleged threat, the alleged interrogation,
2 the alleged polling. There's going to be a discussion about
3 what happened at the meeting. There's going to be videos.
4 There's going to be documents, you know. A case like that
5 would probably take no more than three days to try if both
6 parties were working at it and reaching the proper stipulations
7 and identifying the universe of relative documents.

8 The -- the solicitation issue -- a -- a defense to a claim
9 like that, as you know, is past practice. And under current
10 Board law, the burden is not on the General Counsel. The
11 burden is on the Respondent to come forward with evidence of
12 what it's past practices are.

13 Starbucks, if I remember my history correctly, was founded
14 in 1971. And since 1971 has had a culture of engagement with
15 its partners. And you know, the various names for the various
16 meetings has changed over time, but they essentially have one
17 and the same purpose, which is to identify what's on the mind
18 of partners and respond to it. Under current Board law, that
19 universe of information is relevant to a defense.

20 And you know, you can certainly imagine -- and I think
21 this has come up in connection with the arguments over the
22 subpoena -- you can certainly imagine the -- with a company
23 that large, that, you know, moved over the years into the
24 electronic age, there are lots of potential avenues to pursue
25 the type of evidence that would be relevant to our defense.

1 And lots of historians who could be presented as witnesses in
2 support of our defense. That doesn't -- it doesn't pre-ordain
3 that it has to be that way. But if we want to present a full
4 defense of all the things we do and when we do them and how
5 long we've done them, that can be significant. And as I
6 mentioned off the record, Your Honor, there -- you know, there
7 probably comes a point in time where you would say enough is
8 enough; I understand, and we -- we go on with life. I'm not,
9 you know -- I may not necessarily agree with where you draw the
10 line, but I -- I'm certainly familiar enough with the process
11 that judges draw lines. And so that -- that's where we are.
12 And like I said, I think it'll become -- I'm hoping it'll
13 become clearer after General Counsel presents their case-in-
14 chief.

15 JUDGE GEE: All right, so --

16 MR. LEVINE: Does that answer your question?

17 JUDGE GEE: More or less. And --

18 MR. LEVINE: I'll take that -- more or less.

19 JUDGE GEE: What -- what makes sense to me is getting back
20 to what I said earlier. Let's -- let's take General Counsel's
21 first witness today, and then we can -- we can break for a bit,
22 have the parties discuss what further documents need to be
23 presented and work out -- work out as best we can plans going
24 forward. When we resume, I would hope to go consecutive days
25 through completion, whether that's in February or whether

1 that's in mid-March.

2 MR. LEVINE: You're --

3 JUDGE GEE: We'll discuss that when -- when we get to that
4 point later today.

5 MR. LEVINE: If Your Honor -- when we have that -- you
6 know, in advance of that discussion -- if Your Honor can let
7 the parties know what your other trial calendar looks like. I
8 think we worked well together yesterday in an effort to find
9 some dates.

10 JUDGE GEE: I -- I will. We'll do -- well do that later.

11 MR. LEVINE: Thank you, Your Honor.

12 JUDGE GEE: All right. General Counsel, anything before
13 you call your witness?

14 MS. PARKER: Did you want me to introduce the formal
15 exhibits at this point?

16 JUDGE GEE: Oh, would you please?

17 MR. LEVINE: Can we -- can we go off the record for just
18 one second?

19 JUDGE GEE: Yes, of course. Let's go off the record.

20 (Off the record at 9:19 a.m.)

21 THE COURT REPORTER: We're on the record.

22 MS. PARKER: Okay. I'd like to offer into evidence the
23 formal papers in this case. They have been marked for
24 identification as General Counsel's Exhibits 1(a) through 1(s)
25 with 1(s) being an index and description of the documents.

1 This exhibit has been shown to all the parties.

2 JUDGE GEE: Any objection?

3 MR. LEVINE: Your Honor, no objection other than what was
4 noted off the record, which is Respondent -- while we will
5 offer various other pleadings that have been made in the
6 case -- Respondent believes that the subpoenas, the petition to
7 revoke Your Honor's ruling, should be part of the formal
8 papers. But subject to that, we have no objection.

9 JUDGE GEE: All right. Hearing no objection -- Mr.
10 Frumkin?

11 MR. FRUMKIN: Thank you, Your Honor. No objection.

12 JUDGE GEE: All right. Hearing no objection, GC Exhibit 1
13 is entered into the record.

14 **(General Counsel Exhibit Number 1(a) through 1(s) Received into**
15 **Evidence)**

16 JUDGE GEE: General Counsel, do you want to offer at this
17 point, Joint Exhibits 1 and 2?

18 MS. PARKER: I -- yes, we can-- I'll let Respondent do
19 that since I think you -- you all marked the exhibits, correct?

20 MR. WEINER: Yeah.

21 MS. PARKER: Oh, do you need the sticker? Okay. Well,
22 we -- we can do that during --

23 UNIDENTIFIED SPEAKER: Yeah.

24 MS. PARKER: -- during the break, and then we'll -- we'll
25 offer those.

1 JUDGE GEE: Oh, so those are coming in at a -- at a later
2 time?

3 MS. PARKER: I think -- I think I thought they were
4 marked, but we need to mark them still.

5 JUDGE GEE: All right. At this point, General Counsel --

6 MR. LEVINE: Was this the Kinkos problem where stuff got
7 cut off?

8 MS. PARKER: No.

9 MR. LEVINE: Okay.

10 MS. PARKER: I have those.

11 MR. LEVINE: I'm sorry, Your Honor. We -- we took a bunch
12 of documents to Kinkos yesterday and they copied them without
13 the Bates stamps on them. I think we got that corrected.

14 JUDGE GEE: All right, General --

15 MR. LEVINE: Several hundred pages later.

16 JUDGE GEE: General Counsel, do you want to call your
17 witness?

18 MS. PARKER: Yes. General Counsel is calling Madison
19 Hall -- or Mads Hall.

20 JUDGE GEE: Good morning. How are you?

21 MS. HALL: Good morning. I'm good. How are you?

22 JUDGE GEE: Good. Would you raise your right hand,
23 please?

24 Whereupon,

25

MADISON HALL



1 having been duly sworn, was called as a witness herein and was
2 examined and testified as follows:

3 JUDGE GEE: Would you have a seat. State your name for
4 the record and then spell it.

5 THE WITNESS: Madison Hall, M-A-D-I-S-O-N H-A-L-L.

6 JUDGE GEE: All right. Thank you. General Counsel?

7 MS. PARKER: Thank you.

8 **DIRECT EXAMINATION**

9 Q BY MS. PARKER: Hi, Mads.

10 A Hi.

11 Q Okay. Mads, have you ever worked for Starbucks?

12 A Yes.

13 Q And when did you work for Starbucks?

14 A I worked for Starbucks from June of 2020 to July of 2022.

15 Q And did you work at more than one Starbucks location?

16 A Yes. I first worked at a Starbucks in Bourbonnais,
17 Illinois from June of 2020 to June of 2021. And then I started
18 at a store in Long Beach, California from June of 2021 to July
19 of 2022.

20 Q Do you still work for Starbucks?

21 A I don't.

22 Q And how did your employment with Starbucks end?

23 A I resigned.

24 Q And so let's talk about your time working at this Long
25 Beach store in particular. Who was your store manager while

1 you worked there?

2 A Natalie Ruiz.

3 Q And did you have a district manager as well?

4 A I did. Shannon Dalton.

5 Q How many employees worked at the Long Beach store?

6 A About 22.

7 Q And what was your job title while you worked there?

8 A Barista.

9 Q And just briefly, what were your responsibilities in a
10 nutshell?

11 A Ringling up customers, fulfilling customer orders, making
12 customer connections, stocking, and cleaning.

13 Q Are you familiar with Workers United?

14 A Yes.

15 Q Are you aware of an NLRB election that was held at the
16 Long Beach store where you worked?

17 A Yes.

18 Q Were you still working at that Long Beach store at the
19 time that this election took place?

20 A Yes.

21 Q Okay. And -- and at this election, did the employees
22 decide whether or not to elect Workers United to ele -- to
23 represent them?

24 A Yes.

25 Q Are you aware of any organizing campaign leading up to



1 this election?

2 A Yes, I am.

3 Q Did you have any involvement in that organizing campaign?

4 A I did, yes.

5 Q Okay. Could you -- could you -- what was the time frame
6 that you were involved in that organizing campaign?

7 A From January of 2022 up to the election in June of 2022.

8 Q And so could you tell me a little bit about your
9 involvement in that organizing campaign?

10 A Yes. I first just started talking to my coworkers about
11 it, letting them know what a union was and what a union might
12 look like at Starbucks. And then I arranged a Zoom meeting for
13 my coworkers to get a little bit more information about what a
14 union would look like. Eventually, I handed out Union
15 authorization cards and collected those cards.

16 Q So -- so at what point did you get in touch with the Union
17 then?

18 A The first time I contacted the Union was in January of
19 2022.

20 Q As far as you know, were you the first person to get in
21 touch with the Union on behalf of your store?

22 A Yes, as far as I know.

23 Q Okay. Is it fair to say you supported the Union?

24 A Yes.

25 Q Okay.



1 MS. PARKER: General Counsel 2, right?

2 MR. DO: Um-hum.

3 MS. PARKER: One second.

4 (Counsel confer)

5 Q BY MS. PARKER: I'm going to show you a document that's
6 been marked as General Counsel's Exhibit 2.

7 MS. PARKER: May I approach the witness --

8 JUDGE GEE: Please.

9 MS. PARKER: -- Your Honor?

10 JUDGE GEE: And you have a standing permission to.

11 MS. PARKER: Okay. Great.

12 JUDGE GEE: Thank you.

13 Q BY MS. PARKER: Hand that to you. And take a second to
14 look at that, Mads. Do you recognize that document?

15 A I do, yes.

16 Q What -- what is this document?

17 A This was the invitation that I received prior to an event
18 that I attended on April 8th of 2022.

19 Q Okay. How did you come to receive this document?

20 A On Monday before the event, my store manager called me
21 around 7:30 p.m., and she told me that she had an opportunity
22 for me to meet with upper level management. She said that I
23 would be a good pick for this because I'm outspoken. And I was
24 the only person from my store attending, but there would be
25 other supervisors and baristas from other Long Beach stores

1 there as well. She didn't have the date, the time, or exactly
2 what it would entail, and she said that she would let me know
3 more information later on in the week. On Thursday, during my
4 shift, my district manager showed up and pulled me aside, and
5 she handed me an envelope that had this piece of paper in it.

6 Q Okay. And on this document, it says "updated time 12 p.m.
7 to 3 p.m." When you received the invitation, was that
8 handwritten?

9 A It was, yes.

10 Q Words already on it, yes?

11 A Yes.

12 Q And -- and just to clarify, did --

13 MR. LEVINE: I'm sorry to interrupt. Can you just repeat
14 the last question and read back the answer? I heard something
15 about handwritten but I was taking notes and didn't fully hear
16 what the answer was.

17 THE COURT REPORTER: Can we go off the record for a
18 second?

19 JUDGE GEE: Yeah. Let's go off record.

20 (Off the record at 9:30 a.m.)

21 THE COURT REPORTER: On the record. So the question
22 was -- or the answer was, "On Monday before the event, my store
23 manager called me around 7:30 p.m., and she told me that she
24 had an opportunity for me to meet with upper level management.
25 She said that I would be a good pick for this because I'm

1 outspoken. I was the only person from my store attending, but
2 there would be other supervisors and baristas from other Long
3 Beach stores as well. She didn't have the date, the time, or
4 exactly what it would entail. She would let me know more
5 information later on in the week. On Thursday, during my
6 shift, my district manager showed up and pulled me aside, and
7 she handed me an envelope that had this piece of paper in it".
8 I'm sorry. "On this document, it says "updated time". When
9 you received the invitation, was that handwritten? It was."

10 MR. LEVINE: That -- that answered it. Thank you.

11 JUDGE GEE: Thank you. And your store is number 579?

12 THE WITNESS: Yes.

13 JUDGE GEE: And where is that located? What street?

14 THE WITNESS: 2nd and Covina.

15 JUDGE GEE: Thank you. And Covina is spelled C-O-V-I-N-A?

16 THE WITNESS: Yes.

17 JUDGE GEE: Thank you. General Counsel?

18 MS. PARKER: Okay.

19 **RESUMED DIRECT EXAMINATION**

20 Q BY MS. PARKER: Okay. And then returning back to this
21 invitation, I see here on the invitation it says that Starbucks
22 leader -- or "ou are invited to join Starbucks leaders for an
23 afternoon of coffee and collaboration on April 8th from 1 p.m.
24 to 3 p.m. at the Pacific Gateway located 4811 Airport Plaza
25 Drive, Long Beach, California, 90815". With the cav -- caveat

1 that the time was changed to, apparently, to 12 to 3 p.m.

2 Did -- did you attend this session on April 8th at that address
3 that I just read from 12 to 3 p.m.?

4 A Yes, I did.

5 Q Okay. And prior to your attending this particular
6 session -- collaboration session -- on -- on April 8th, were
7 you aware of any other similar sessions being held by Starbucks
8 at the time?

9 A Yes. I had seen a post on an Instagram page. I can't
10 quite recall which Instagram page that was. I believe it was
11 the day prior or a few days prior that made me believe that
12 there was a collaboration session that Howard Schultz would be
13 at.

14 Q Okay. Did you suspect Howard Schultz might be at this one
15 that you were going to attend?

16 A Yes, I did.

17 Q So did you do anything to prepare for your attendance at
18 this meeting?

19 A Yes. I got together a binder -- I didn't have a notebook,
20 so I put some papers in a binder, and I just wrote out some
21 NLRB cases that had happened that I just wanted to just ask if
22 he had anything to say about those things.

23 Q I'm sorry, let me pause you for a second. By -- by "he"
24 who are you talking about?

25 A Howard Schultz. And that was pretty much it.

1 Q Okay. That binder that you just spoke about, do you still
2 have that binder?

3 A I don't. I took the papers out, and I'm not sure where
4 the actual binder is.

5 Q Okay. So let's talk about what happened at this actual
6 April 8th meeting, okay? So you arrived at -- at this address
7 which I -- I previously read to you -- 4811 Airport Plaza
8 Drive -- you walk into the room. What do you see? What's
9 going on?

10 A Right in the doorway, there was a table set up with
11 nametags. So I walked over and I got my nametag. And then to
12 the left was a conference room. And when I walked in, I saw a
13 table with food on it. There was some pizza, chips, some
14 water. And in the center of the room was chairs in a -- like
15 folding chairs in a semi-circle. There were some people
16 already sitting down that were supervisors and baristas. And
17 then there were also some upper-level management people.
18 People were mingling and introducing each other. The --
19 another district manager in Long Beach introduced herself to
20 me. I believe that was Sharon Moy. And then we sat down and
21 they put on a video for us.

22 JUDGE GEE: Actually, let me have you pause here. Let me
23 just ask you a few more questions to get my factual picture
24 established. What time did you show up?

25 THE WITNESS: I showed up around 11:45 and stood outside

1 and then walked in closer to noon.

2 JUDGE GEE: About how many people were in the room?

3 THE WITNESS: About 25.

4 JUDGE GEE: Did you -- did you recognize most people?

5 THE WITNESS: No, not most people. I recognized one
6 person that worked at a different location that I went to
7 sometimes. So I recognized her as a barista that served me.
8 And then there was somebody there that picked up a shift at my
9 store once. So I recognized him because I worked one shift
10 with him before. And that -- that -- those were the only two
11 people that I recognized.

12 JUDGE GEE: I see. And could you distinguish between
13 folks who were, say, managers or regional -- regional
14 supervisors or managers versus baristas? Was there any way to
15 differentiate between the two?

16 THE WITNESS: The regional supervisors and the upper-level
17 management people had on nicer clothes. They were also
18 standing. The people that were supervisors and baristas were
19 sitting in the circle. And they also did introduce themselves
20 with their title.

21 JUDGE GEE: That was at the beginning of the session
22 before the video?

23 THE WITNESS: Yes. So there was some more informal
24 introductions, like, that -- that were more one-on-one. And
25 then later on, we did more formal introductions.

1 JUDGE GEE: All right. General Counsel, why don't you
2 handle that part?

3 MS. PARKER: Yeah. I -- I -- I was getting -- getting to
4 that. Thank you, Your Honor. And actually, just -- just for a
5 housekeeping matter, I'd like to offer into evidence General
6 Counsel's Exhibit 2.

7 JUDGE GEE: Any exhibit -- or any objection?

8 MR. LEVINE: No objection.

9 JUDGE GEE: All right. Hearing no objection, GC-2 is
10 entered.

11 **(General Counsel Exhibit Number 2 Received into Evidence)**

12 JUDGE GEE: And Mr. Frumkin, I'm just going to assume,
13 based on our prior communications, that if you remain silent
14 you -- you're concurring with General Counsel's position.

15 MR. FRUMKIN: Thank you, Your Honor. I'll speak up with
16 any objections.

17 JUDGE GEE: Okay. Thank you. GC-2 is received.

18 MS. PARKER: Okay.

19 Q BY MS. PARKER: So you arrived, you did some informal
20 introductions, as you've testified to, and -- and you said a
21 video was played?

22 A Yes.

23 Q Okay. And -- and what was -- what was the video that was
24 played? What was that about?

25 A On April 4th, when Howard Schultz returned as CEO, he did

1 an open forum that was live. And it was basically the playback
2 of that live open forum that happened on April 4th.

3 Q Okay. Do -- do you recall the name of that video or?

4 A I don't. I think it was -- I'm not quite sure exactly
5 what it was. I know that it was just considered, like, an open
6 forum --

7 Q Okay. And -- and --

8 A -- of some sort.

9 Q Okay. And prior to viewing this video on April 8th during
10 this collaboration session had you seen it previous -- had you
11 seen that video previously?

12 A Yes. There were some clips on social media that I saw, as
13 well as we were -- all Starbucks workers were required to be
14 pulled out of their shifts to watch the video in the breakroom.

15 Q Okay. How -- how do you know that all Starbucks workers
16 were required to watch that video?

17 A There was a memo that went out, like, a weekly update that
18 said that we would all have the -- that we would all be
19 watching the video at some point during our shifts. And then
20 it was written into our schedules, so there was handwritten --

21 Q Okay. You're referring to --

22 A -- time for --

23 Q -- to your particular store?

24 A Yes. At my particular store, it was handwritten into our
25 schedules time to watch the video. And then our supervisors

1 would come up to us and say, okay, you need to go watch the
2 video in the breakroom. And then we all took turns doing that
3 throughout the week.

4 Q Okay. So -- so you --

5 MR. LEVINE: So -- I'm sorry to interrupt. Just so I
6 understand the word "all". Were you referring to your store as
7 "all" or the 250,000 Starbucks partners that were all?

8 JUDGE GEE: Well, I believe the witness' testimony was
9 that -- was I reference to her store. But I'll let the witness
10 answer that question.

11 THE WITNESS: Yeah. So everybody at my store is what I am
12 referring to.

13 MR. LEVINE: Thank you.

14 JUDGE GEE: And -- and let me ask you this. People's
15 schedules are public?

16 THE WITNESS: So we have, like, our, like, a schedule that
17 is, like, on a clipboard. And it has everybody's names and,
18 like, what time they -- their schedule is. And it's where
19 their breaks are written in; their lunch is written in, and it,
20 like, it's, like kind of the labor report is on there as well.
21 and so like, if anybody has, like, training or if somebody's
22 going to be late or they stay -- or they stay late, our
23 supervisor marks it up or a manager would mark it up and write
24 on it.

25 JUDGE GEE: Is that something that's visible to everyone

1 in that --

2 THE WITNESS: Yes.

3 JUDGE GEE: -- in that particular store?

4 THE WITNESS: Everyone is able to see it.

5 JUDGE GEE: And where is it kept?

6 THE WITNESS: It is kept, usually, on the pastry carts,
7 which is, like, right when you walk back into the bar area. We
8 also have this counter area, like, when you walk into our store
9 it's, like, the first area that you stop. That's where the
10 iPads are where you clock in. Usually, I would walk in, clock
11 in, and then look at the piece of paper to see what was going
12 on for the day.

13 JUDGE GEE: I see. Thank you.

14 Go ahead, General Counsel.

15 Q BY MS. PARKER: Okay. So -- so -- so back to this video.
16 You know, you -- you discussed how your store -- indi --
17 individuals in your store were asked to watch that video. So
18 did you, in fact, watch the video, then?

19 A Yes.

20 Q And do you remember approximately when you watched it?

21 A Sometime that week in between April 4th and the meeting.

22 Q Okay. So let's return to the meeting on April 8th. So
23 you all watched the video. And -- and what happened after you
24 watched the video?

25 A I remember two upper-level management people -- I believe

1 a district manager and, like, the regional manager -- they
2 walked up to the front. I can't remember what they said, but
3 they were killing time a little bit. And then Howard Schultz
4 walked in the room.

5 JUDGE GEE: General Counsel, about how long was the video?

6 THE WITNESS: About 45 minutes.

7 JUDGE GEE: Thank you. Go ahead.

8 Q BY MS. PARKER: Okay. So -- and you recognized that that
9 was Howard Schultz? And how?

10 A I think prior knowledge of what he looks like. I mean --

11 Q Right.

12 A -- we just watched a video --

13 Q Right.

14 A -- with him in it.

15 Q Right.

16 A And I also just knew what he looked like.

17 Q Okay. So he -- he walked in the room -- Mr. Schultz
18 walked in the room. And what happened next?

19 A Some people were surprised. It was just sort of -- I
20 mean, he came over and he sat in the circle with us. Some
21 people were surprised. They were, like, oh, my goodness. I
22 can't believe Howard Schultz is here. People were excited.
23 And then he sat in the circle two people down from me to my
24 left. And then we did formal introductions where people said
25 their name, their store location, their position, and how long

1 they had been working with Starbucks.

2 Q Okay. So was there a particular person in -- in the room
3 that was conducting the meeting, leading the meeting?

4 A Yes. There was a I guess, a facilitator that was
5 introduced. I don't recall her name. She -- I don't believe
6 she works -- she was, like, a Starbucks employee. I think she
7 was brought on for this, you know, tour for the meeting. And
8 she sort of stood at the front, and she facilitated and
9 introduced the different activities that we did.

10 Q I'd like to show you a doc --

11 JUDGE GEE: I'd like pause before you go on. Do you
12 know -- did she state her name?

13 Q

14 THE WITNESS: She did. I don't recall what her name was.

15 JUDGE GEE: All right. And why do you believe she doesn't
16 work for Starbucks?

17 THE WITNESS: I do believe that she mentioned, like, that
18 was mentioned that she was just there as a facilitator because
19 everybody else when they said their introductions, they said
20 what position they held in the company. And she didn't say,
21 like, what her position in the company was.

22 JUDGE GEE: I see. Did she introduce herself as a
23 representative of X outside company?

24 THE WITNESS: I don't remember.

25 JUDGE GEE: All right. Thank you.

1 THE WITNESS: Um-hum.

2 JUDGE GEE: Go ahead, General Counsel.

3 MS. PARKER: Okay.

4 Q BY MS. PARKER: All right. I -- I'd like to show you a
5 document that's been marked as General Counsel's Exhibit 3.

6 MS. PARKER: And this was pulled from the subpoena
7 production, but when I printed it the Bates number did not
8 appear. I don't know if it's the same Kinkos problem you all
9 had earlier, but that was -- okay.

10 Q BY MS. PARKER: All right, Mads, do you recognize that
11 document?

12 A Yes.

13 Q Okay. What -- what is that document?

14 A So for the first activity when we were in the circle there
15 were posters that were exactly this brought out. There was
16 three big posters set in front of us so everybody could see it.
17 We were then asked to just look at it, and kind of react to it.

18 Q Okay. And -- and by "you were asked" who -- who asked
19 you?

20 A The facilitator.

21 Q Okay. And when you say they were set in front of you were
22 they set on the floor; were they placed on a wall? How were
23 they set?

24 A These were on the floor.

25 Q And then just to clarify, you all were --

1 A In a circle.

2 Q -- in a semi-circle, you said?

3 A Yes.

4 Q Okay. All right. So -- so go ahead. Continue explaining
5 what--

6 JUDGE GEE: Well -- for -- forgive me. This GC Exhibit
7 was on the wall? Where -- where was this?

8 THE WITNESS: So we were sitting in a circle, and --

9 JUDGE GEE: Like a semi-circle?

10 THE WITNESS: Yes. And these were on giant posters. So
11 very large posters. And they were kind of brought out and sat
12 on the floor in different spots in the circle so that everybody
13 in the circle could look down and see what was said on these.

14 JUDGE GEE: I see. And so there were identical posters --

15 THE WITNESS: Identical, yeah.

16 JUDGE GEE: -- like this? And at that time, approximately
17 how -- what were the dimensions? 2 by -- 1 by 2, in terms of
18 inches or feet?

19 THE WITNESS: Probably like -- yeah, like, 3 by 2,
20 probably -- 3 -- 3 feet by 2 feet maybe.

21 JUDGE GEE: All right. And then there -- there were
22 various ones placed amongst the group?

23 THE WITNESS: Yes.

24 JUDGE GEE: I see. Go ahead, General Counsel.

25 MS. PARKER: Okay.

1 Q BY MS. PARKER: Okay. So -- so let's -- let's talk about
2 this poster. So -- so again because I -- I missed where we
3 left off. The facilitator asked you to do what with this
4 poster?

5 A React to them. We started, I believe, with one side -- or
6 we did start with one side. We started with the left side --
7 the partner playback -- and we read it. And then people talked
8 about what resonated with them.

9 Q Okay. And -- and what do you recall the individuals or
10 yourself talking about with respect to the -- this left side of
11 this poster?

12 A I -- I recall somebody saying that the last one and
13 "meeting the expectations of customers, our leaders and
14 ourselves", has gotten harder than ever. That resonated with
15 people. Somebody mentioned the one about "caring for our
16 planet" and that they felt that didn't resonate, and that was
17 when I agreed. I agreed, and I said I also feel like we're not
18 taking care of the planet. And it was just a general
19 conversation about some of the things that resonated with us on
20 the left side.

21 Q Okay. And -- and did you talk about the right side of the
22 poster as well?

23 A We did. We then went to the right side. There were two
24 ones on the right side that took up most of the conversation.
25 The first was our equipment, the -- the part that says "Is our

1 equipment ever going to get fixed"? Myself and other people
2 echoed that that was a big problem in our -- in -- in Long
3 Beach. A lot of the stores either had really outdated
4 equipment or equipment that was always breaking and not getting
5 fixed in a timely manner. So that was something that we talked
6 about. And then we also talked about safety, the part that
7 says "I don't feel safe at my store". I sai -- I told a story
8 about how one of my coworkers was assaulted by a customer early
9 on in the week. other people were sharing stories when they
10 didn't feel safe in their stores, and we were told that we had
11 a really high incident reports, which is we file an incident
12 report when there's an event that happens in our store
13 regarding, usually, safety.

14 Q Can I just pause? Who -- who -- who told you that you had
15 high incident reports in your --

16 A The district manager as well as Howard Schultz. Both of
17 them echoed that that was something, apparently, they talked
18 about.

19 Q And -- and -- and just to clarify, were they referring to
20 your particular store or stores in the Long Beach area?

21 A Stores in Long Beach all together.

22 Q Okay. And -- and -- and go ahead. Sorry. I interrupted
23 you.

24 A Yeah. There was -- the facilitator suggested security
25 guards. Somebody said they had security guards; it didn't

1 really work. Howard Schultz empathized with -- with that. And
2 then the facilitator said if we fixed the safety problem would
3 that make you happy? Would you say that's most of the problem?
4 And I said that it was a lot more than just one or two
5 problems. That it was a lot of problems, and that each store
6 was going to need different things. And then Howards Schultz
7 said how long have you -- how long have you been here? And I
8 said two years. And he said, well, that's because you just got
9 here. I can fix things.

10 Q Okay. And with respect to the discussion about the
11 security issue, was there any discussion of ways to resolve
12 that issue?

13 A Yes. The -- the security guards was the main conversation
14 about the safety issue.

15 Q Okay.

16 A And then for the equipment it was something that Howard
17 Schultz said that he would look into.

18 Q Okay. And as far as security guards, did somebody suggest
19 security guards as a solution?

20 A The facilitator suggested security guards.

21 Q Okay. Did Howard Schultz offer any solutions to any of
22 these issues?

23 A Not -- not that I recall directly, but he did say that he
24 would look into it and see what he could do.

25 Q Is there anything else you recall about the discussion

1 regarding this particular poster?

2 A That is all I recall about this particular poster.

3 Q Okay.

4 MS. PARKER: I'd like to offer General Counsel's Exhibit
5 3.

6 MR. LEVINE: No objection.

7 JUDGE GEE: All right. Thank you. Is -- does this --
8 other than the size -- does this appear to be a true and
9 accurate copy of the poster you saw on April 8th?

10 THE WITNESS: Yes.

11 JUDGE GEE: All right. Thank you. GC Exhibit 3 is
12 received.

13 **(General Counsel Exhibit Number 3 Received into Evidence)**

14 Q BY MS. PARKER: Okay. I'm going to show you another
15 document.

16 MS. PARKER: We're going to mark those as -- what are we
17 at, 4?

18 MR. DO: Exhibit 4.

19 Q BY MS. PARKER: This is a document that's been marked as
20 General Counsel's Exhibit 4.

21 MS. PARKER: And just noting for the record, this was part
22 of the subpoena production we received yesterday and marked as
23 Bates stamp 20. That one actually did appear in the photocopy.

24 JUDGE GEE: Thank you.

25 Q BY MS. PARKER: And do you need a minute to look at that,



1 Mads?

2 (Counsel confer)

3 Q BY MS. PARKER: Okay. You've had a second to look at it.
4 Okay. Do you recognize this document, Mads?

5 A I do, yes.

6 Q Okay. And what -- what is this document?

7 A This was from the second activity that we did. We were
8 told to turn our chairs from the semi-circle to face the front
9 of the room. And they hung these posters up. This is --

10 Q And hung up by "they", who -- who are you talking about?

11 A The facilitator. They -- she hung up this poster as well
12 as a few other ones with questions on them. And we were given
13 sticky notes to write answers to the questions. And we were
14 told to stick the sticky notes on the board for the
15 corresponding question.

16 Q Okay. And just to clarify, all these instructions you're
17 testifying to were given by this facilitator?

18 A Yes.

19 Q Okay.

20 JUDGE GEE: So would it be fair to say that the -- the
21 yellow stickies on this poster were written out by individuals
22 in the room?

23 THE WITNESS: Yes.

24 JUDGE GEE: And placed on the poster, which, other than
25 the question of "what's the one thing", was blank? So the

1 poster -- let's go with size -- is -- was approximately how
2 long and how wide?

3 THE WITNESS: Maybe, like, a couple feet. They were very
4 large posters.

5 JUDGE GEE: All right. So about how long?

6 THE WITNESS: Maybe, like, 3 feet by 2 feet.

7 JUDGE GEE: I see. And there's handwritten writing at the
8 top that says, "What's the one thing we could do to rebuild
9 trust in the company".

10 THE WITNESS: Yes. That was written prior to them being
11 put up.

12 JUDGE GEE: All right. And when this poster was placed up
13 on the wall it was otherwise blank?

14 THE WITNESS: Yes.

15 JUDGE GEE: And the yellow stickies were written by
16 individuals in the room?

17 THE WITNESS: Yes.

18 JUDGE GEE: All right. Go ahead, General Counsel.

19 MS. PARKER: Okay.

20 Q BY MS. PARKER: Did -- did you write any sticky notes to
21 place on this poster?

22 A I did, yes.

23 Q Okay. Looking at General Counsel's Exhibit 4, do you see
24 the sticky note that -- that you wrote -- or sticky notes that
25 you wrote?

1 A Yes. I wrote the one that said "be true -- truthful about
2 what is happening to pro-Union partners". And I said -- and I
3 wrote the one that says "Sign fair labor practices", but I did
4 mean sign fair election principles.

5 Q Okay. To -- to clarify that, you -- you wrote "sign fair
6 labor practices". What -- what did you mean by that?

7 A I meant sign fair election principles. The -- the fair
8 election principles is basically a document that we -- that
9 says that Starbucks won't interfere with our Union campaign.
10 And the Union had been trying to get someone from Starbucks to
11 sign that kind of contract.

12 Q Okay. So the -- the fair election principles comes from a
13 principle created by Workers United or -- or what --

14 A Yes.

15 Q -- what is it that you -- okay. And -- and where had you
16 seen or learned about these fair election principles
17 previously?

18 A I had first seen them on social media, Twitter and
19 Instagram, posted by the Union accounts. And it was also
20 something that I discussed with other Union organizers.

21 Q Okay.

22 MS. PARKER: I'd like to introduce -- or offer General
23 Counsel's Exhibit 4.

24 JUDGE GEE: Let me ask the witness a couple of a
25 questions. There were these -- these green --

1 MS. PARKER: Oh, yes.

2 JUDGE GEE: -- circles. What are those?

3 THE WITNESS: So after we all wrote on the sticky notes
4 and stuck them on the posters, we were given green stickers to
5 go up and say whether or not we agreed with the answers on the
6 board. So if we, like, saw one of the sticky notes someone
7 else wrote and you're, like, I really agree with that; I really
8 second that, then we would go up and put a sticker on it.

9 JUDGE GEE: I see. And so did you place any of these
10 green stickers up on any of the stickies?

11 THE WITNESS: I did. I -- I know for sure that I wrote --
12 that I stuck one on "provide enough labor to facilitate a
13 better experience for customers and partners". But I -- I'm
14 not sure where else I put stickers.

15 JUDGE GEE: And this appears to be a true and accurate
16 copy of what you saw posted up on the -- on the wall on April
17 8th, 2022?

18 THE WITNESS: Yes.

19 JUDGE GEE: All right. Any objection to GC-4?

20 MR. LEVINE: Just -- just to clarify.

21 **VOIR DIRE EXAMINATION**

22 Q BY MR. LEVINE: The -- the sticky that you wrote, which I
23 think you said "Be truthful about what is happening to pro-
24 Union partners"?

25 A Yes.

1 Q That's your handwriting?

2 A Yes.

3 MR. LEVINE: Okay. No objection, Your Honor.

4 JUDGE GEE: All right. GC-4 Exh -- is admitted into the
5 record.

6 **(General Counsel Exhibit Number 4 Received into Evidence)**

7 Q BY MS. PARKER: Okay. I am going to show you three
8 exhibits at a time, okay? And we'll talk about each of them.
9 So these have been marked as General Counsel's Exhibits 5, 6,
10 and 7. I'm noting these were also pulled from the subpoena
11 production yesterday. And the Bates stamping is a little bit
12 inconsistent with how it printed out, so I apologize for that.
13 Okay. Take a minute to look at General Counsel's Exhibits 5,
14 6, and 7. Okay. So General Counsel's 5, 6, and 7 looks
15 similar to -- to General Counsel's Exhibit 4. Is it fair to
16 say that these three documents were part of that same Post-it
17 note green dot activity that we just discussed?

18 A Yes.

19 Q Okay. So let's look first at General Counsel's Exhibit 5.
20 Okay. And you recognize that document?

21 A I do, yes.

22 Q Okay. And was there a Post-it note that you placed on
23 this document?

24 A Yes. I wrote "First company in the industry to support
25 worker's right to organize".

1 Q Okay. And did you write any other Post-it notes or place
2 any other Post-it notes on this particular poster?

3 A Not on this poster.

4 Q Did you stick any green dots on any of these Post-it notes
5 that you can recall?

6 A Not that I recall.

7 Q Okay. So let's move on to General Counsel's Exhibit 6.
8 Okay.

9 MR. LEVINE: Do you want to offer 5, or are you going to
10 offer them at the end?

11 MS. PARKER: I'll offer them together.

12 MR. LEVINE: Okay.

13 JUDGE GEE: Mr. Levine, if you'd be so kind just direct
14 your comments to me.

15 MR. LEVINE: I'm sorry.

16 JUDGE GEE: Yeah, no. It's all right.

17 MR. LEVINE: I'm sorry, Your Honor.

18 Q BY MS. PARKER: Okay. And sor -- sorry, Mads. Do you
19 recognize any Post-it notes that you placed on that particular
20 poster, General Counsel's Exhibit 6?

21 A Yes. I said "Give partners a seat at the table".

22 Q Okay. That -- that's your Post-it note and your
23 handwriting --

24 A Yes.

25 Q -- there? Okay. And do you recall putting any green dots

1 on any of these other sticky notes --

2 A I don't recall.

3 Q -- on General Counsel's Exhibit 6? Okay. And then moving
4 on to General Counsel's Exhibit 7. Did you put any Post-it
5 notes on that particular poster, General Counsel's Exhibit 7?

6 A Yes. I wrote "collective bargaining".

7 Q Okay. Any others that you placed on that particular
8 poster?

9 A No.

10 Q And do you recall whether or not you put any green sticky
11 dots on any of those other Post-it notes?

12 A I don't recall.

13 Q Okay.

14 JUDGE GEE: Were -- were all of these -- GC Exhibits 4, 5
15 6, and 7 -- who was the person who instructed individuals to
16 put stickies on the posters?

17 THE WITNESS: The facilitator.

18 JUDGE GEE: And who was the person who instructed
19 individuals to place the green dots?

20 THE WITNESS: The facilitator.

21 JUDGE GEE: I see. Thank you. And -- and -- and she made
22 available both the stickies and the green dots?

23 THE WITNESS: When we arrived, we had sticky notes and the
24 dots and a pen underneath our seats.

25 JUDGE GEE: I see. And I see a pair of shoes on a couple

1 of these photographs. Were these posters on the floor?

2 THE WITNESS: No. They were hung up. I'm not sure when
3 the pictures were taken.

4 JUDGE GEE: I see. Okay. They're all the same
5 approximate size --

6 THE WITNESS: Yeah.

7 JUDGE GEE: -- 3 feet tall and 2 feet wide?

8 THE WITNESS: Yeah. Yeah.

9 JUDGE GEE: And -- and same thing, the -- the handwritten
10 questions at the top of each poster were there before you folks
11 participated in this activity?

12 THE WITNESS: Yes.

13 JUDGE GEE: And they were otherwise blank?

14 THE WITNESS: Yes.

15 JUDGE GEE: All right. Thank you.

16 Go ahead, General Counsel.

17 MS. PARKER: Um-hum.

18 Q BY MS. PARKER: Now, aside from sticking the Post-it --
19 the -- the Post-it notes and the green dots on these posters
20 which were part of this activity, was there discussion about
21 General Counsel's Exhibits 4, 5, 6, and 7?

22 A Can you repeat that?

23 Q Okay. So was -- was there any discussion about these four
24 posters which had been descri --

25 A Yes.

1 Q -- we have as General Counsel's 4, 5, 6, and 7? Was there
2 discussion about them at the meeting?

3 A Yes. After we completed the sticky notes, we were able to
4 talk about either what we wrote or what other people wrote.
5 And so it was open for discussion at that point.

6 Q Okay.

7 JUDGE GEE: How do you know that? Did someone instruct
8 you to have that conversation?

9 THE WITNESS: Yes. The facilitator instructed us to have
10 that conversation.

11 JUDGE GEE: Do you recall what she said?

12 THE WITNESS: I don't recall.

13 JUDGE GEE: That's a good answer. If you don't recall,
14 that's --

15 THE WITNESS: Yeah, I don't recall exactly.

16 JUDGE GEE: -- that's accurate. Thank you.

17 Q BY MS. PARKER: Was there any particular topic that you
18 recall being discussed from -- from any of these posters?
19 Either General Counsel's 4, 5, 6, or 7.

20 A Yes. I decided to elaborate on the sticky note that I
21 wrote about being honest about what's happening with pro-union
22 partners and overall just ho -- what we want to seek to rebuild
23 trust. I said that Starbucks keeps saying that they're not
24 anti-union, but their actions say otherwise. And Howard
25 Schultz had been here what, two years. He said that that's

1 not, like, what we're going to talk about and then he
2 apologized to other people in the room for me bringing that up.
3 And he said that it was untrue. He said that it was untrue.
4 He said that Starbucks is not anti-union.

5 And so I said, you say Starbucks isn't anti-union, but
6 Starbucks actually has been found guilty of retaliating against
7 Union organizers. At that point, he started to tell a story
8 about a Union organizer in Chicago that interrupted a funeral.
9 He then said that I must not know the history of Starbucks
10 because I haven't been there very long. So he told everybody
11 about how he grew up poor and because he grew up poor, he
12 wanted Starbucks to be a place that had affordable healthcare
13 for part-time workers and a fair wage. I remember trying to
14 interject and make it more conversational and there were things
15 that I went to say, but I wasn't able to speak. He cut me off
16 and told me to stop talking because he wasn't done talking.

17 And so eventually the facilitator tried to move on and
18 talk about another -- let somebody else speak and I eventually
19 raised my hand because there was something else that I wanted
20 to say. And I mentioned a very specific NLRB case. It was a
21 case where Starbucks was found guilty of retaliation, it was in
22 July of 2021, I think, and I mentioned that and I just asked
23 him, you know, if you're not anti-union, like, why did that
24 happen. And he just kept trying to change the subject. He
25 told me that we could talk about it afterward. And then I let

1 it go at that point and the conversation moved on.

2 Eventually, we started talking as a group about one of the
3 sticky notes that was about benefits and wages and so we were
4 just talking about in general how we would like to see, like
5 raises -- consistent raises, cheaper healthcare, things like
6 that. And I said, you know, Starbucks did start out as a
7 company that had really leading benefits and wages, but that
8 there are a lot of people struggling right now and that a lot
9 of other places have caught up and it just isn't as competitive
10 as it once was. And then Howard Schultz said, if you hate
11 Starbucks so much, why don't you go somewhere else.

12 Q And that comment was directed at you?

13 A Yes.

14 JUDGE GEE: Pause. Did you say anything in response to
15 that?

16 THE WITNESS: I was a little shocked. I didn't respond,
17 somebody else in the room said, it's not about hating
18 Starbucks, it's about wanting to make it better and I just
19 agreed with that person. And then the conversation moved on.

20 JUDGE GEE: Did -- did Mr. Schultz say anything else as
21 follow up for -- after -- after that statement or that
22 question? Did he say anything more on that subject?

23 THE WITNESS: No. Thank you. Go ahead, General Counsel.

24 Q BY MS. PARKER: Dur -- during this meeting, you know,
25 employees were -- is it fair to say employees were talking

1 about concerns, issues they had at work?

2 A Yes.

3 MR. LEVINE: Objection. Leading.

4 JUDGE GEE: Overruled.

5 Q BY MS. PARKER: Okay. Did you -- did Howard Schultz offer
6 any solutions to any of those issues that employees were --
7 were raising?

8 A Yes. He -- he did look to the regional and district
9 manager and ask them what could be done and let's find a
10 solution. He didn't come up with a specific solution on his
11 own, but he did echo other people's solutions and tell us that
12 he would look into it and that he would try to find a solution
13 for us and that he could fix it.

14 Q Okay. And any particular issue that you recall him making
15 those comments?

16 A Yes. Specifically with the equipment and the safety.
17 Those were the two issues that he zeroed in on and said he
18 would look into and try to fix.

19 JUDGE GEE: Let's get some details on those, please.

20 THE WITNESS: Yes.

21 JUDGE GEE: General Counsel, from you.

22 Q BY MS. PARKER: Okay. So yeah. Can -- can you give us a
23 little more detail regarding those issues.

24 JUDGE GEE: Well, direct the witness, if you would.

25 Q BY MS. PARKER: Okay. So let's talk about the equipment



1 and safety issues. Do you recall their being any specific
2 solutions offered by Mr. Schultz?

3 A Yes. For the equipment, he said that he would get us --
4 look into getting us new equipment so that it wouldn't break so
5 often. And that he would also look into the company that they
6 used to fix our equipment, the maintenance company that we
7 contract I guess. He said that he would, you know, look into
8 them and see if there was anything there and that he would look
9 into getting us new equipment. And then he also said that for
10 the safety issue, he echoed that he would look into. Since the
11 facilitator was the one who brought up security guards, he said
12 he would look into getting us security guards and if that was
13 an option.

14 MS. PARKER: I'd like to offer General Counsel's 5, 6, and
15 7 at this time.

16 JUDGE GEE: Let me ask you this. Take a look at General
17 Counsel's Exhibit 4, 5, 6, and 7. Do they appear to be
18 accurate copies of the posters you saw at the April 8, 2022
19 meeting?

20 THE WITNESS: Yes.

21 JUDGE GEE: Any objections?

22 MR. LEVINE: No objection, Your Honor.

23 JUDGE GEE: Okay. No objection, GC Exhibits 4, 5, 6, and
24 7 are admitted.

25 **(General Counsel Exhibit Numbers 4, 5, 6 and 7 Received into**



1 **Evidence)**

2 Q BY MS. PARKER: Mads, during -- during this meeting, do
3 you recall anyone taking photos or videos?

4 A Yes. There was somebody with a professional camera taking
5 pictures and there were two people walking around with iPhones
6 recording at the beginning. They just gave us a disclaimer
7 that there would be people walking around recording.

8 JUDGE GEE: And when you say professional camera, what
9 does that mean?

10 THE WITNESS: One with a lens and he had it like hanging
11 around his neck.

12 JUDGE GEE: I see. Okay. Go ahead. Yeah, how many
13 people appeared to be taking video with smartphones?

14 THE WITNESS: Two.

15 JUDGE GEE: Did you know who they were?

16 THE WITNESS: No. I don't remember. He -- they did
17 introduce themselves, I don't recall.

18 JUDGE GEE: And why do you say they appeared to be taking
19 video?

20 THE WITNESS: Well, at the beginning they told us that
21 they were going to and then they were walking around with their
22 phones in their hands behind us, kind of going around the room,
23 going up to people, what -- like recording them putting sticky
24 notes on the board, recording them writing, it was something I
25 noticed.

1 JUDGE GEE: All right. And who said individuals would
2 record the meeting, do you recall?

3 THE WITNESS: I don't recall.

4 JUDGE GEE: Do you recall if anyone said someone would be
5 taking photographs?

6 THE WITNESS: Yes. I don't recall who said that.

7 JUDGE GEE: I see.

8 Go ahead, General Counsel.

9 MS. PARKER: Okay.

10 Q BY MS. PARKER: I'm going to show you one last document
11 that's been marked as General Counsel's Exhibit -- General
12 Counsel's Exhibit 8. Just take a minute to look at that
13 document, Mads.

14 A Okay.

15 Q Do you recognize this document?

16 A Yes.

17 Q And what is this document?

18 A These are the fair election principles that the Union is
19 wanting Starbucks to agree on. That is what I was referring to
20 when I said sign fair labor practices.

21 Q Okay. And that -- you're referring to that post-it note,
22 which I believe was General Counsel's Exhibit 4?

23 A Yes.

24 Q Correct? Okay.

25 MS. PARKER: Okay. I'd like to offer General Counsel's

1 Exhibit 8 into evidence.

2 MR. LEVINE: Your Honor, just some voir dire, if I may?

3 JUDGE GEE: Yes, of course.

4 **VOIR DIRE EXAMINATION**

5 Q BY MR. LEVINE: I'm sorry, I didn't introduce myself
6 earlier. I'm John Levine, one of the counsel for --

7 A Hi.

8 Q -- Starbucks. Nice to meet you. I understand that your
9 preferred pronoun is they?

10 A Uh-huh.

11 Q And is it okay if I call Mx. Hall?

12 A Yeah, that's fine, too.

13 Q M-X or -- do I have that right?

14 A Yeah, thank you.

15 Q Okay. Thank you. Mx. Hall --

16 JUDGE GEE: Pause. Just when you wish to say yes, say the
17 word yes as opposed to uh-huh and then no would be no as
18 opposed to huh-uh.

19 THE WITNESS: Okay.

20 JUDGE GEE: Thank you. And it's Mx -- when we're spelling
21 it out, it would be M-I-X --

22 THE WITNESS: Yeah.

23 JUDGE GEE: -- it would be spelled in the transcription
24 M-X.

25 THE WITNESS: Okay.

1 JUDGE GEE: All right. Go -- go ahead, Mr. Levine, I'm
2 sorry.

3 MR. LEVINE: Thank you, Your Honor.

4 Q BY MR. LEVINE: Mx. Hall, on General Counsel's Exhibit 8,
5 in the -- this is the top left-hand corner, there is a date
6 1/31/23 3:45 p.m., do you see that?

7 A Yes.

8 Q And is this -- is this a document that you printed out?

9 A No, it's not.

10 Q Okay. Now, I'm familiar with the past year, 18 months and
11 I know -- I believe that there have been different versions of
12 the fair election principles over time.

13 A Okay. Yeah.

14 Q You don't have to agree with me yet, I'll ask you a
15 question. My question is, were you familiar with various
16 versions of this?

17 MR. FRUMKIN: I'll object. It assumes facts not in
18 evidence.

19 MR. LEVINE: I'm just doing voir dire to figure out what
20 the document is.

21 JUDGE GEE: Overruled. Go ahead with your questions.

22 MR. LEVINE: Right.

23 Q BY MR. LEVINE: So let me ask you this, are you certain
24 that you saw this specific document or are you certain that you
25 saw something called fair election principles at some point in

1 time?

2 A I am familiar with on the second page, the list. That is
3 what is familiar to me.

4 JUDGE GEE: Is that then, the third page.

5 THE WITNESS: Yes, the third page. That is what is
6 familiar to me. I am unsure if there were changes made, I
7 don't recall.

8 Q BY MR. LEVINE: Okay. So as you sit here today, you're
9 unsure if you saw this exact document, as written?

10 A Yes.

11 MR. LEVINE: Your Honor, since the witness is unfamiliar
12 with whether or not they saw this specific document, we object.

13 JUDGE GEE: General Counsel.

14 **DIRECT EXAMINATION**

15 Q BY MS. PARKER: Okay. Mads, you said that you're familiar
16 with -- starting on, I guess the heading begins on page 2, but
17 then it proceeds to pages 3 and 4 of General Counsel's Exhibit
18 8. You said that you're familiar with that list, right?

19 A Yes.

20 Q Okay. Can you just describe or testify as to what -- tell
21 me what you're familiar with on this list, as you look at it.

22 A I am familiar with the right to organize a union as a
23 fundamental civil right essential to democracy. "If partners
24 choose to unionize, there will be no negative repercussions
25 from management. Starbucks agrees not to make any implicit

1 threats, lawful but unethical explicit threats, unlawful. If
2 Starbucks holds a meeting with partners on company time to
3 discuss unionization, then the Union may hold a meeting of
4 equal length on company time. Starbucks management must not
5 bribe or threaten with higher or lower wages or benefits to
6 gain support. If any partner feels they have been retaliated
7 against in any manner due to their union activity, Starbucks
8 will agree to resolve this immediately by a mutually agreed
9 upon arbitrator." Yeah. I would say that it pretty much all
10 of these are familiar, whether or not the exact wording is the
11 same, but the general idea of the list is what I am familiar
12 with.

13 Q Okay. And you don't -- you testified earlier how you've
14 been -- you were involved in the organizing efforts at your
15 particular store. With that background what -- what was your
16 understanding of the intention of these fair election
17 principles --

18 MR. LEVINE: Objection.

19 JUDGE GEE: What's your objection? Why don't you finish
20 the question, don't answer, please. And then I'll hear your
21 objection.

22 MS. PARKER: Okay.

23 Q BY MS. PARKER: So what's your understanding, your
24 personal understanding of the intention of these fair election
25 principles?

1 JUDGE GEE: All right. And Mr. Levine?

2 MR. LEVINE: I think -- I think the relevance would be
3 questionable and certainly the witness is not in a position to
4 comment on the intention of the author of the document as the
5 author is currently unknown. And it is unclear whether or not
6 the witness has ever actually seen this particular document.

7 JUDGE GEE: Mr. Frumkin?

8 MR. FRUMKIN: I -- I'm sorry, I lost track of the
9 objection, Your Honor.

10 JUDGE GEE: That's okay. What is the relevance?

11 MS. PARKER: I'm just trying to clarify for the record,
12 Mads had put a post-it note up there saying unfair labor
13 something -- General Counsel's Exhibit 4.

14 JUDGE GEE: Principles.

15 MS. PARKER: Unfair labor principles and testified that
16 they were referring to fair election principles.

17 JUDGE GEE: Right.

18 MS. PARKER: I'm just trying to clarify for the record
19 what those were and what the intention was?

20 JUDGE GEE: But the intention of the drafter of this
21 particular document, I don't understand the relevance. The
22 witness wrote what she wrote on the sticky.

23 MS. PARKER: Yes.

24 JUDGE GEE: And I think the words are abundantly clear.

25 MS. PARKER: Okay.

1 JUDGE GEE: So I'll -- what is the relevance of this
2 witness' understanding of the author's intent?

3 MS. PARKER: Right. I was just trying to clarify that the
4 principles in this document are -- are what Mads was referring
5 to.

6 JUDGE GEE: Why don't I have you ask that question then?

7 MS. PARKER: Okay.

8 JUDGE GEE: I'll go ahead and sustain that objection.
9 Go ahead and ask a different question, please.

10 MS. PARKER: Okay.

11 Q BY MS. PARKER: So with respect to General Counsel's
12 Exhibit 8, what's your understanding of the intention of these
13 fair election principles?

14 MR. LEVINE: We're back to the intention of the
15 principles, which has already been an objection that's
16 sustained.

17 JUDGE GEE: Let me -- let me just pause one second,
18 please. Let's go off record for just a moment.

19 THE COURT REPORTER: Off the record.

20 (Off the record at 10:27 a.m.)

21 THE COURT REPORTER: On the record.

22 JUDGE GEE: General Counsel, what sticky are you referring
23 to again?

24 MS. PARKER: Sorry.

25 JUDGE GEE: Which GC Exhibit?

1 MS. PARKER: I think it's General Counsel's Exhibit 4.

2 MR. DO: Exhibit 4.

3 JUDGE GEE: 4. And what sticky -- what does the sticky
4 say?

5 MS. PARKER: So the sticky on General Counsel's 4 says
6 sign fair labor practices. And Mads testified that she had
7 intended to write fair election principles.

8 JUDGE GEE: All right. Why don't you ask questions about
9 this sticky?

10 MS. PARKER: Okay.

11 Q BY MS. PARKER: So Mads, referring back to General
12 Counsel's Exhibit 4 and you can look at that if you -- because
13 you have it in front of you still. What was your intention in
14 posting that particular post-it note that says sign fair labor
15 practices?

16 A I -- when reading the question, what's the one thing we
17 could do to rebuild trust in the company. To me, it was to
18 sign the fair election principles because a lot of my mistrust
19 with the company was coming from their anti-union campaign and
20 some of the responses they had to our organizing efforts. So I
21 believed that the -- the way that Starbucks could rebuild my
22 trust with the company was to sign the fair election
23 principles.

24 JUDGE GEE: How did you become familiar with the fair
25 election principles?

1 THE WITNESS: The first time I saw it was on a social
2 media page for the Union. And then it was also something that
3 myself and other organizers discussed as being a goal for our
4 campaign was to get that signed.

5 JUDGE GEE: I see. And this particular document that's
6 captured in GC Exhibit 8, this is a version of the document
7 that you and your colleagues had discussed in the past?

8 THE WITNESS: Yes.

9 JUDGE GEE: I see. And this is what you mean when you
10 intended to write fair election --

11 THE WITNESS: Yes.

12 JUDGE GEE: -- principles? I see. Some version of this.

13 THE WITNESS: Right.

14 JUDGE GEE: I see. I see. Go ahead General Counsel.

15 MR. LEVINE: Your Honor, may I -- so I can fully
16 understand?

17 JUDGE GEE: Of course.

18 MR. LEVINE: Just the background of this.

19 **VOIR DIRE EXAMINATION**

20 Q BY MR. LEVINE: Mx. Hall, do you recall whether or not a
21 document like this was in the binder that you referred to
22 earlier in your testimony?

23 A It was not, no.

24 Q It was not. Okay. Do you recall in the -- in the days
25 between April 4th and April 8th reviewing a fair election

1 principles document?

2 A I don't recall.

3 Q Okay. Do you recall when in relation to April 8th you
4 last reviewed a fair election principles document?

5 A I don't recall.

6 Q Was it weeks before?

7 JUDGE GEE: Mr. Levine?

8 MR. LEVINE: Yeah.

9 JUDGE GEE: Is this related to voir dire?

10 MR. LEVINE: Yes, I'm just trying to -- I think we're
11 still talking about the admissibility of the document or not?

12 JUDGE GEE: General Counsel, do you still intend to offer
13 GC Exhibit 8 into the record?

14 MS. PARKER: If you will accept it, if -- I'm --

15 JUDGE GEE: All right. Well, go -- go ahead then, Mr.
16 Levine.

17 Q BY MR. LEVINE: So I'm sorry Mx. Hall, and I realize we
18 are testing your memory just a little bit. Would you have seen
19 a document like this, let's just say in the month before April
20 4th?

21 A Yes.

22 Q Okay. And when you said you -- you saw it on social
23 media, was it in that month before April 4th?

24 A Yes.

25 Q Okay. And I believe you said it was -- you saw something



1 on the Union's website?

2 A Yes.

3 Q And this is a document that you discussed with other
4 organizers?

5 A Yes.

6 Q And when you discussed it with other organizers, did you
7 discuss this -- in other words --

8 JUDGE GEE: Mr. Levine, let me stop you here. What does
9 this have to do with voir dire in this particular document?

10 MR. LEVINE: Well, the document has to be authenticated in
11 some way, shape, or form. And it's trying to be authenticated
12 through this witness. And it doesn't appear to be successfully
13 authenticated.

14 JUDGE GEE: I believe the witness said she isn't fully
15 familiar with this particular document. I'm prepared to
16 sustain the objection.

17 MR. LEVINE: Thank you, I'm done.

18 JUDGE GEE: All right. That -- let's move on.

19 MS. PARKER: Okay. And to clarify, Your Honor, we had
20 offered 5, 6, and 7 --

21 JUDGE GEE: 4, 5, 6, and 7 are in.

22 MS. PARKER: They're in. Okay. Okay. Okay then just a
23 couple more questions.

24 **DIRECT EXAMINATION**

25 Q BY MS. PARKER: Okay, Mads you testified you worked at



1 Starbucks for two years?

2 A Yes.

3 Q In your time working at Starbucks, had you ever attended a
4 collaboration session like this April 8th one that you
5 attended?

6 A No.

7 MS. PARKER: Yeah, I don't have any further questions for
8 this witness at this time.

9 JUDGE GEE: Okay. Thank you. Just pause one second,
10 please. Are you familiar with the -- the term "collaboration
11 session"?

12 THE WITNESS: Yes.

13 JUDGE GEE: How are you familiar with that?

14 THE WITNESS: I don't have -- I'm not sure. I -- there
15 was a post that Howard Schultz made before the meeting about
16 collaborating with partners in collaboration sessions. But I
17 don't recall the exact wording or what that post was.

18 JUDGE GEE: I see. And by "collaboration session", how
19 would you -- how would you define a collaboration session? I
20 don't mean to go over it so much as opposed to what does
21 assembly look like? Multiple stores, off work time, that type
22 of thing.

23 THE WITNESS: Yeah. People -- colleagues getting
24 together, coworkers getting together and sharing ideas, and
25 brainstorming different ideas. And this would be a -- an event

1 sponsored by Starbucks?

2 THE WITNESS: Yeah. Yes.

3 JUDGE GEE: Involving individuals from one store or more
4 than one store?

5 THE WITNESS: More than one store.

6 JUDGE GEE: I see. All right. Thank you, General
7 Counsel.

8 Mr. Frumkin?

9 MR. FRUMKIN: Can we go off the record for a minute?

10 JUDGE GEE: Of course.

11 MR. FRUMKIN: We've been going for about 100 minutes, an
12 hour and 40.

13 JUDGE GEE: We can take a break.

14 MR. FRUMKIN: Yeah. Would that be all right with
15 everyone?

16 JUDGE GEE: Yeah. Let's see, what time is it?

17 (Off the record at 10:36 a.m.)

18 THE COURT REPORTER: We're on record.

19 JUDGE GEE: When we were off record, it was brought to my
20 attention that the court reporting company, eScribers wanted to
21 know whether it was necessary for them to transcribe the video
22 tape that we watched during yesterday's session. The parties
23 have all agreed that given that the parties are near completion
24 of an agreed upon transcription of that audio tape, which will
25 be offered as Joint Exhibit 1, it is unnecessary for eScribers



1 to do so. Then let me just confirm with party counsel that
2 that is in fact their position. General Counsel?

3 MS. PARKER: Yes, that is our position.

4 JUDGE GEE: And Mr. Frumkin?

5 MR. FRUMKIN: That's correct. Thank you, Your Honor.

6 JUDGE GEE: Mr. Levine?

7 MR. LEVINE: Yes, Your Honor.

8 JUDGE GEE: All right. Thank you all. Mr. Frumkin, do
9 you have questions for this witness?

10 MR. LEVINE: I do. Thank you, Your Honor.

11 **DIRECT EXAMINATION**

12 Q BY MR. FRUMKIN: Good morning, Mads. I have a few
13 questions for you to fill in some gaps from General Counsel's
14 questions and to elaborate on your testimony. You testified
15 that you recognized two other employees at the collaboration
16 session. Can you describe how you recognized them?

17 A Yes. One of them was a worker at another Starbucks
18 location that I, sometimes, went to to get coffee. And I had
19 spoken to her and I recognized her. And then the other person
20 was someone that picked up a shift at my store one time.

21 Q Okay. Can you describe the process of picking up shifts
22 between stores briefly, please?

23 MR. LEVINE: Objection.

24 JUDGE GEE: What's the basis?

25 MR. LEVINE: It's not relevant to anything that was

1 raised, at least that I'm aware of on direct, but more so
2 picking up shifts is a different case somewhere else.

3 MR. FRUMKIN: I --

4 JUDGE GEE: Let me just pause. What's the relevance?

5 MR. FRUMKIN: Your Honor, this goes to the scope of the
6 remedy. This seeks a sort of district wide remedy, and so I
7 want to establish the possibility for coercive effect in the
8 district rather than at a single unit store.

9 JUDGE GEE: I don't understand that. Say that again.

10 MR. FRUMKIN: So what I'm trying to do is establish a sort
11 of interchange between employees within a district level. And
12 by explaining how employees can swap shifts within stores, I
13 believe it will become clear to you that a district wide
14 remedy, as opposed to a single store remedy, is most
15 appropriate.

16 MR. LEVINE: Well, this is interesting --

17 JUDGE GEE: Just pause, just pause. General Counsel, are
18 you seeking -- just pause. Are you seeking a district wide
19 remedy?

20 MS. PARKER: The complaint -- let me find the complaint --
21 yes, in -- in the remedy section of the complaint, it -- it --
22 it seeks a remedy within Respondent locations in the City of
23 Long Beach for an electronic notice. It also seeks a notice
24 reading.

25 JUDGE GEE: And the City of Long Beach is the district?

1 MS. PARKER: Well, I -- I -- I'm not, to be -- to be
2 frank, I'm not exactly sure how the districting within --
3 within Respondent's, you know, operations is -- is -- is
4 established. However, because our understanding of this case
5 is that there were individuals pulled from -- pulled for this
6 particular April 8th meeting from stores within the City of
7 Long Beach, that's why the remedy was structured as it is.

8 JUDGE GEE: All right. I'm going to go ahead and sustain
9 that.

10 Go ahead, Mr. Frumkin.

11 MR. FRUMKIN: You're sustaining the objection?

12 JUDGE GEE: I am.

13 MR. FRUMKIN: Okay. Thank you.

14 Q BY MR. FRUMKIN: To clarify your record, Mads, you
15 mentioned that you learned, in part, you learned about the
16 video that you watched at the beginning of the hearing through
17 a weekly update. Could you describe what a weekly update is?

18 A Yes. A weekly update is a correspondence we get from
19 corporate Starbucks weekly. It is available online, but
20 there's all -- but our managers print it out for us, and put it
21 in the same spot that the schedule was, and next to our iPads
22 where we clock into work, so that we can take some time to read
23 over the weekly updates. And that weekly updates that was the
24 first weekly update with Howard Schultz returning, and it was
25 mentioned that there was a meeting of some sort that was going

1 to -- or not a meeting -- I'm sorry. A video of some sort that
2 we would be watching.

3 Q Thank you. You testified at the beginning of your
4 testimony that there were upper level managers in the room.
5 What were they doing during the green dot exercise that you
6 described at some length?

7 A They were standing off to the side. There was a part of
8 the room where they were standing in, together. They were not
9 directly involved with that exercise.

10 JUDGE GEE: And Mr. Frumkin, pause just one second. What
11 is an upper level manager?

12 THE WITNESS: A district manager or the regional manager.
13 There was a person there that was diversity and inclusion, so
14 people from -- not store level.

15 JUDGE GEE: I see.

16 THE WITNESS: So store level would be store manager,
17 supervisor, and barista.

18 JUDGE GEE: I see. Okay, I'm sorry.

19 Go ahead, Mr. Frumkin.

20 MR. FRUMKIN: Thank you.

21 Q BY MR. FRUMKIN: So they were in the room while this
22 exercise --

23 A Yes, they were in the room.

24 Q Okay.

25 JUDGE GEE: About how many people would you characterize

1 as an upper level manager, other than the CEO and this person
2 will call him the facilitator?

3 THE WITNESS: Three that I'm certain about. There was a
4 diversity and inclusion person there. There was a district
5 manager there and there was the regional manager there.

6 JUDGE GEE: Okay. Do you recall the name of the regional
7 manager?

8 THE WITNESS: I think his name was Greg.

9 JUDGE GEE: Do you remember the surname? And if you don't
10 that's fine.

11 THE WITNESS: I don't.

12 JUDGE GEE: And what about the diversity and inclusion
13 individual?

14 THE WITNESS: I don't recall her name.

15 JUDGE GEE: Okay. And I forget what the third person was.

16 THE WITNESS: The district manager.

17 JUDGE GEE: And do you know that person's name?

18 THE WITNESS: Sharon Moy, I think.

19 JUDGE GEE: I see. And that's M-O-Y?

20 THE WITNESS: Yes.

21 JUDGE GEE: I see. Go ahead, Mr. Frumkin.

22 MR. FRUMKIN: Thank you.

23 Q BY MR. FRUMKIN: Where were these managers during your
24 exchange with Howard Shultz?

25 A They were in the room standing on the outskirts of the

1 room still.

2 Q Okay. Where were they when Howard Shultz said to you
3 something to the effect of if you don't like Starbucks you can
4 quit?

5 A They were in a room.

6 Q Okay. We can turn back to GC Exhibit 2. I think you
7 still have that in front of you. I notice one of the sentences
8 says you will be paid for your participation and should plan to
9 arrive a few minutes early.

10 A Yes.

11 Q Were you paid for your time at this collaboration session?

12 A Yes.

13 Q Before approximately this social media post with Howard
14 Shultz, do you recall whether you had heard the phrase
15 "collaboration session" before?

16 A Can you repeat that?

17 Q Yeah. So you described with the -- when the judge asked
18 you, you said that you had heard the phrase collaboration
19 session.

20 A Um-hum.

21 Q Meaning through a social media post.

22 A Yes.

23 Q Prior to that that, had you heard that exact phrase
24 before?

25 A No.



1 Q Thank you.

2 MR. FRUMKIN: No further questions.

3 JUDGE GEE: All right. Thank you. Mr. Levine?

4 MR. LEVINE: Your Honor, before I start my cross-
5 examination, I request that the General Counsel produce any
6 affidavits and other Jencks materials for this witness so that
7 I could review them and have some time to prepare my cross-
8 examination.

9 JUDGE GEE: Of course. General Counsel?

10 MS. PARKER: Yes. Let the record reflect I am handing
11 Respondent counsel an affidavit provided to the NLRB, signed
12 May 6, 2022.

13 JUDGE GEE: Approximately how many pages is it of text and
14 exhibits?

15 MS. PARKER: Approximately 13 pages of text. There's one
16 single exhibit.

17 JUDGE GEE: All right. Can you -- let's -- let's go ahead
18 and take a break of 32 minutes.

19 MR. LEVINE: Before we do -- just before we do, could I --
20 is the General Counsel representing that this is the only
21 affidavit of this witness?

22 MS. PARKER: Yes.

23 MR. LEVINE: And is the General Counsel representing that
24 there are no related materials?

25 MS. PARKER: No. That -- that's -- that's the -- the

1 single Jencks statement that we have for this witness.

2 MR. LEVINE: Just so I understand, I am -- you know,
3 Jencks -- Jencks materials aren't limited to simply the
4 affidavit. There are things that are provided that affirm or
5 support what's in the affidavit. So to the extent that there
6 are other materials, we need those as well.

7 JUDGE GEE: So let me -- let me ask the question, General
8 Counsel. For the spectrum of documents that would fall under a
9 Jencks statement, there are no other documents to produce?

10 MS. PARKER: There are no other documents to produce.

11 JUDGE GEE: All right.

12 MR. LEVINE: Thank you, Your Honor.

13 JUDGE GEE: Anything else, Mr. Levine?

14 MR. LEVINE: We can go off the record.

15 JUDGE GEE: All right. We'll --we'll break for 31
16 minutes. We'll be back at 11:30. Thank you.

17 (Off the record at 10:59 a.m.)

18 JUDGE GEE: All right. Let me just for remind the witness
19 that you continue to be under oath. Thank you.

20 Mr. Levine, go ahead, please.

21 MR. LEVINE: That reminds me, Your Honor, I don't think
22 we -- we advised the witness regarding sequestration rules at
23 any time today.

24 JUDGE GEE: That's up to party counsel.

25 MR. LEVINE: Okay.

1 MS. PARKER: We follow those rules.

2 MR. LEVINE: Okay. Good. I just wanted to make sure.

3 I'm sorry.

4 **CROSS-EXAMINATION**

5 Q BY MR. LEVINE: Mx. Hall, thank you for being here today.
6 Are you appearing by subpoena?

7 A Yes. But I agreed to be a witness before I received a
8 subpoena.

9 Q So what I'm going to ask you to do -- if I ask you a yes
10 or no question, and you're capable of answering yes or no, just
11 go ahead and answer yes or no; is that all right?

12 A Yes.

13 Q Okay. And who subpoenaed you to be here today?

14 A The NLRB.

15 Q Okay. And were you subpoenaed to bring any documents with
16 you?

17 A No.

18 Q Have you retained any legal counsel to represent you in
19 this case?

20 A No.

21 Q Did you review any documents, or other materials --

22 A Yes.

23 Q -- to

24 A I'm sorry.

25 JUDGE GEE: Let me --

1 MR. LEVINE: It's okay.

2 JUDGE GEE: Yeah, let -- let -- let me just instruct the
3 witness. It makes the life as a court reporter much, much
4 easier if you just wait for the full question to be asked.
5 Otherwise, the court reporter kind of has to bifurcate the
6 question and it's just difficult that way. Because this gets
7 recorded, and then gets sent out for transcription. So if you
8 would kindly just wait for the question to be asked.

9 THE WITNESS: Okay.

10 MR. LEVINE: And I'm just going to -- I'm going to ask my
11 questions slowly just to give you an opportunity to digest them
12 too.

13 Q BY MR. LEVINE: Did you review any documents, or other
14 materials, to help you get ready for your testimony today, or
15 to refresh your recollection about the events?

16 A Yes.

17 Q What documents, or materials, did you review?

18 A The affidavit.

19 Q Did you review any other materials?

20 A The poster that was Exhibit 3.

21 Q Do you recall any other materials or is that it?

22 A That is it; I don't recall any others.

23 Q And did you review any audio, video, or social media to
24 help you get ready for your testimony today, or to refresh your
25 recollection in any way?

1 A Yes.

2 Q Okay. What did you review?

3 A I watched a short video clip on Howard Shultz's Instagram
4 of the meeting that I attended.

5 Q And when you say "the meeting you attended," you're
6 referring to the April 8th meeting?

7 A Yes.

8 Q Okay. And when did you review that?

9 A Yesterday.

10 Q And I think you said it's on Instagram?

11 A Yes.

12 Q And that's a social media platform?

13 A Yes.

14 Q And is it a -- was it a Starbucks Instagram or some other
15 Instagram?

16 A Howard Shultz's Instagram.

17 Q His own Instagram.

18 A Yes.

19 Q Gotcha. Thank you. And besides what you've listed, can
20 you recall any other things that you reviewed in advance to
21 prepare your testimony or refresh your recollection?

22 A I watched a snippet of Howard's April 4th speech that he
23 gave on Twitter.

24 Q Okay. And was that, again, I -- you know, I'm a little
25 bit older and not completely familiar with all of the social

1 media platforms. But was the Twitter a Howard Schultz Twitter
2 or some other Twitter?

3 A It was the Twitter account More Perfect Union.

4 Q And what is that?

5 A What is the Twitter account?

6 Q What -- I'm not familiar with More Perfect Union; what is
7 that?

8 A They are a nonprofit organization that reports on union
9 news.

10 Q Gotcha. And do you recall, with regard to the video on
11 the Instagram account that you viewed, do you recall what the
12 substance of the video was? What portion of the April 8th
13 event it was?

14 A Yes. It was the part of the speech where he called union
15 organizers outside agitators, and he said that unions are a
16 threat on business.

17 Q And on the -- the Twitter, the More Perfect Union --

18 A Yes.

19 Q What was that?

20 A Can you rephrase that?

21 Q Yeah. That was -- it was a terrible question which
22 sometimes we -- we -- we do. On More -- More Perfect Union you
23 said snippet.

24 A Yes.

25 Q And by the way, would it be fair to describe the short

1 video on the Instagram also to be a short snippet?

2 A Yes.

3 Q Okay. So these -- what I'm just trying to understand is
4 sort of the context. These weren't full length videos of the
5 things that happened These were pieces that people chose to
6 post?

7 A Yes.

8 Q Gotcha. Have you discussed the subject matter of this
9 case with other people, and I don't mean by other people, NLRB
10 attorneys. I just mean other people.

11 A My partner.

12 Q Your partners? Your partner?

13 A Yeah.

14 Q Okay. And your partner is who?

15 A My husband.

16 Q Gotcha. Other than your husband?

17 A No.

18 Q Okay. Are you currently employed?

19 A No, I'm not.

20 Q Do you currently reside in -- in California?

21 A I do, yes.

22 MR. FRUMKIN: Objection. Relevance.

23 JUDGE GEE: What is the relevance?

24 MR. LEVINE: Well, the -- the witness during her direct,
25 I'm just getting some background here. But the witness, during



1 her direct, indicated that she had worked for Starbucks in
2 another state, and I'm just trying to establish where the
3 witness is today, and -- and what they is doing.

4 JUDGE GEE: Well, it really isn't relevant. The witness
5 did answer, but I -- I won't allow further questions about
6 where she resides.

7 MR. LEVINE: Your -- I want to just go back for your
8 history --

9 JUDGE GEE: I want to pause, Mr. Levine. When there's an
10 objection, would you kindly hold your answer and then let me
11 rule on it. Thank you. And it -- it's hard to do, I know.

12 THE WITNESS: Yeah.

13 JUDGE GEE: Okay. I'm sorry. Go ahead.

14 MR. LEVINE: Okay.

15 Q BY MR. LEVINE: Just -- you discussed a little bit of your
16 history of employment with Starbucks. I want to make sure I --
17 I fully know it. I believe I recall you stated that you
18 started with Starbucks maybe in 2020?

19 A Yes.

20 Q Is that right?

21 A Yes, that is right.

22 Q Okay. And I believe you said that that was in Illinois
23 somewhere.

24 A Yes.

25 Q And I believe you said that you worked roughly from June

1 of 2020 to July of 2021 at the Illinois store?

2 A June of --

3 Q Is that right?

4 A June of 2020 to June of 2021.

5 Q Okay. Thank you. And did that -- I heard -- I think in a
6 discussion between you and -- and Your Honor, you had indicated
7 with respect to Long Beach you worked at a particular store
8 number, and I'm wondering if you worked at a particular store
9 number in Illinois?

10 A I did. I don't recall what the store number is.

11 Q Okay. And I'm trying to -- I'm sure it's a blur for
12 everybody, but I'm trying to figure out did you join Starbucks
13 during the pandemic?

14 A Yes.

15 Q And so -- so in Illinois during the pandemic can you
16 describe how the pandemic impacted the store operations?

17 MR. FRUMKIN: Objection. Relevance.

18 JUDGE GEE: What is the relevance?

19 MR. LEVINE: Well, we're going to talk about in this case
20 how Starbucks hears problems and addresses problems, including
21 the -- the Company's practice, and this will be relevant to
22 that.

23 JUDGE GEE: How many questions do you have on this?

24 MR. LEVINE: What's that?

25 JUDGE GEE: How many questions to you have on this?



1 MR. LEVINE: Well, I don't have them written down. I -- I
2 have subject matters.

3 JUDGE GEE: I'll let you go for a bit on this.

4 MR. LEVINE: Okay.

5 Q BY MR. LEVINE: Do you want me to repeat --

6 A Yes.

7 Q -- my question? So I was asking you about different
8 challenges at your store in Illinois during the pandemic.
9 About your experience. Were there -- were there challenges
10 related to the pandemic that you experienced at the store?

11 A Yes.

12 Q Can you, as best you can recall, list those out?

13 A Short staffing. People being quarantined. Supply chain
14 issues. Issues with customers not respecting COVID policies
15 such as masking. That's all I can remember right now.

16 Q Okay. And -- and I -- like -- like other places I'm
17 familiar with, short staffing due to people calling off due to
18 COVID.

19 MR. FRUMKIN: Objection. Leading.

20 MR. LEVINE: I'm cross-examining.

21 JUDGE GEE: That's fine. Overruled.

22 A We were required to quarantine very often if we were
23 exposed, which definitely led to that.

24 Q BY MR. LEVINE: Okay.

25 A Part of it was people calling off because we were required

1 to if we had symptoms. And we were also -- just did not have
2 sufficient employees. People were quitting a lot.

3 Q In the Illinois store at that time am I correct to
4 understand how stores function in their leadership that there's
5 a -- a store manager?

6 A Yes.

7 Q And an assistant store manager?

8 A There's not always an assistant store manager; sometimes
9 there is.

10 Q Did you have an assistant store manager?

11 A For part of the time I worked there.

12 Q Okay. And -- and there are shift supervisors?

13 A Yes.

14 Q And baristas?

15 A Yes.

16 Q And were -- were you a shift supervisor or barista? I
17 think you said barista, but I just want to make sure.

18 A I was a barista.

19 Q Okay. And did you have an orientation when you were hired
20 at the store to Starbucks?

21 A Yes.

22 Q And can you describe what that orientation consisted of?

23 MS. PARKER: Objection as to relevance and beyond the
24 scope of direct.

25 JUDGE GEE: What is the relevance, Mr. Levine?

1 MR. LEVINE: Well, Your Honor, the orientation -- there
2 are lots of different mechanisms that are described for
3 partners on how they -- how their various needs are addressed,
4 and that is going to be relevant to the practice in this case.

5 JUDGE GEE: I'm going to go ahead and sustain that. I'm
6 going to ask you to move on, sir.

7 MR. LEVINE: Your Honor, the various mechanisms, under
8 Board law, that the Company uses to solicit feedback from their
9 partners and respond, are directly relevant to the allegation
10 in this complaint. We cannot receive a fair hearing with that
11 ruling. I would, respectfully, request that you con --
12 reconsider. The main goal of this process is for everyone to
13 receive due process.

14 JUDGE GEE: But this witness' orientation -- how is
15 this -- how is this relevant to the allegations in the
16 complaint?

17 MR. LEVINE: Well, the allegations in the complaint are
18 that Starbucks, impermissibly, solicited Respondent to
19 grievances of its partners. That is the allegation, you know,
20 maybe the General Counsel has a more specific claim that
21 they're making that they'll share with us at the close of their
22 case, but this, you know, this is what I explained to you
23 earlier about the number of witnesses. This case is about the
24 various practices that Starbucks has for soliciting feedback
25 from its partners and Respondent.

1 And if we're not permitted to fully put on what those
2 practices are, we're going to be deprived of an opportunity to
3 assert a defense that's available to Respondents under Board
4 law in these cases.

5 JUDGE GEE: I will let you make a offer of proof.

6 MR. LEVINE: At -- at what particular point in time? Is
7 this going to be something -- when we close the case? So I --
8 so Your Honor --

9 JUDGE GEE: I -- I -- I'm not -- I'm going to -- I'm going
10 to sustain the objection, but you may now make an offer of
11 proof.

12 MR. LEVINE: Through this witness?

13 JUDGE GEE: Yes.

14 MR. LEVINE: Okay. My offer is proof -- my offer of proof
15 through this witness, is that I would be able to establish that
16 Starbucks has a well-known practice and culture of engagement
17 with its partners where there routinely solicit feedback from
18 their partners regarding their terms and conditions of
19 employment and other matters, and seek to rectify those that
20 they can.

21 And this -- and -- and I would establish that this comes
22 in the form of one-on-one meetings, two-on-one meetings, store
23 meetings, and other meetings. It comes through surveys, and it
24 comes through lots of different forms with lots of different
25 names. And that's what I would establish through this witness.

1 JUDGE GEE: You may do so through -- through questions
2 about this particular witness, but with regard to her
3 orientation, in particular, I -- I'm rejecting that -- that
4 offer of proof.

5 MR. LEVINE: Well, I'm seeking to establish how she became
6 aware of the mechanisms. One way is through orientation.
7 Companies like Starbucks have orientations for a reason, and
8 that is to educate their partners on what's available to them
9 to resolve problems.

10 JUDGE GEE: I see. Why don't you ask -- why don't you get
11 to those questions, and then I will, if necessary, entertain
12 any other objections, but why don't you get to those questions.

13 MR. LEVINE: Okay.

14 Q BY MR. LEVINE: Mx. Hall, thank you for listening to our
15 discussion. What mechanisms did you learn about during your
16 employment at Starbucks that were available to partners to
17 resolve problems, or address concerns that they had?

18 JUDGE GEE: Do you understand the question?

19 THE WITNESS: I do.

20 JUDGE GEE: Okay.

21 A I do know that on the -- there was a place we could sign
22 in and type our grievances or write in to corporate.

23 Q BY MR. LEVINE: What else?

24 A That's all I'm aware of.

25 Q In -- in your store, did you have meetings with your store

1 leadership from time to time?

2 JUDGE GEE: Is this for the Illinois store or the Long
3 Beach store?

4 MR. LEVINE: Illinois store. I'll get -- I'll do Long
5 Beach second.

6 A Yeah --

7 MR. FRUMKIN: I'm going to object to relevance. This
8 is -- this complaint is about a particular sequence of events
9 at an April 8th meeting, and does not make any representations
10 about a broader pattern of prac -- of practice of soliciting
11 grievances or promising to remedy those grievances.

12 JUDGE GEE: I -- I'll let Mr. Levine ask a few more
13 questions. So overruled.

14 A There were something called PDC meetings. In my
15 experience those meetings were about the personal development
16 growth of the partners, baristas, and supervisors that we had
17 with our store managers.

18 Q What else? How did you -- how did you communicate as a
19 group within the store with your store manager?

20 A Overall, if we had something that we needed to bring to
21 her attention, we just would bring it to her attention. There
22 wasn't any specific way of doing that that I can recall.

23 Q Did you -- did you have opportunities to meet with your
24 district manager in something called skipped-level meetings?

25 A No.

1 Q Are you familiar with the term skip level?

2 A No.

3 Q Do you -- with regard to PDCs, I think you said
4 professional development --

5 A Yes.

6 Q -- is that right? Did you have a professional development
7 meeting with your store manager?

8 A Yes.

9 Q And what are the topics that are reviewed in the PDC?

10 A We talk about what things we feel like we are doing well,
11 how -- and how we would like to improve, and what things we can
12 do to improve, so it was performance based.

13 Q Is there an opportunity for you to talk about the things
14 that you want to talk about?

15 A I'm not that I recall. I only recall talking about
16 professional development.

17 Q Thank you. The -- you talked about -- and these are my
18 words. You used the word grievance. I'm going to use a
19 different word grievance procedure. Was there a grievance
20 procedure that you were aware of?

21 A There was something that I was aware of that was somewhere
22 online. I -- I think it's called the Partner Hub. I think we
23 could log into Partner Hub, which was a place where we could
24 find our tax information, we could find our schedules. And
25 there was also a place where we could write in. I don't have a

1 lot of recollection of what that looked like or what that
2 process was. I am aware that it existed, though.

3 Q Okay. And did you become aware of how it existed through
4 your orientation or some other way?

5 A I believe it was through word of mouth.

6 Q And this is a mechanism that you -- you became aware you
7 could, if you had a question, concern, complaint, grievance,
8 you could put it on Partner Hub and get a response?

9 A I don't know if we could get a response, but we could
10 definitely put it in there.

11 Q And did you receive surveys from time to time or were you
12 aware of surveys being done from time to time?

13 A I think I remember getting emails for surveys and I did
14 complete them from time-to-time. I -- I'm unsure if everybody
15 got those surveys or if you had to sign up for them.

16 Q I -- I believe I recall reading in your affidavit, and we
17 can provide you a copy if we need to refresh your recollection
18 with it, that there were weekly surveys; do you recall that?

19 A No.

20 MR. LEVINE: Can we provide the witness a copy of They's
21 affidavit?

22 JUDGE GEE: Yes.

23 MR. LEVINE: Thank you. Do we have -- we have a clean one
24 that --

25 MS. PARKER: Yeah. I can give her this one.

1 (Counsel confer)

2 JUDGE GEE: Yeah. Just let the record reflect that
3 General Counsel's handing the witnesses' affidavit to her.

4 Q BY MR. LEVINE: I'm going to direct your attention to page
5 8, line 2 of your affidavit.

6 JUDGE GEE: Just read it quietly to yourself, and once
7 you're done, hand it to me.

8 THE WITNESS: I'm sorry. Can you repeat that?

9 JUDGE GEE: Just read that line to yourself, and then once
10 you're done, hand the affidavit back to me. Okay. Let the
11 record reflect I'm handing your affidavit back to the General
12 Counsel.

13 All right, Mr. Levine, go ahead.

14 MR. LEVINE: Thank you, Your Honor.

15 Q BY MR. LEVINE: Mx. Hall, you've reviewed page 8, line 2
16 of your affidavit. Does that refresh your recollection about
17 whether or not you had a weekly partner survey?

18 A Yes, that is the emails I was referring to.

19 Q The -- when you say the email you were referring to, can
20 you just clarify that for me because I didn't pick that up?

21 A Yeah, we were emailed. I -- I recall getting emails
22 weekly and it would say weekly partner survey. I recall
23 filling them out a few times. That's what I remember.

24 Q Okay. And I think you -- you referenced in your affidavit
25 that the -- some of the comments that you saw on the playback

1 poster at the April 8th meeting were things that you thought
2 might have come from the weekly surveys?

3 A That was just -- I was curious as to where they got those,
4 and the only place I could think of that they could have gotten
5 those complaints from was possibly the weekly survey.

6 Q Okay. And just so we understand, for the record, a time
7 period, were the weekly surveys something that existed when you
8 were at the Illinois store?

9 A Yes.

10 Q And they continued when you were at your Long Beach store?

11 A Yes.

12 Q And this was a means by which Starbucks solicited input
13 from partners about their terms and conditions of employment or
14 any other concerns they might have had, presumably --

15 MR. FRUMKIN: Objection. Speculation.

16 JUDGE GEE: To the extent that you know, in terms of your
17 experience, to the extent that you can answer that question,
18 please do.

19 THE WITNESS: I do not remember what the contents of the
20 survey was.

21 Q BY MR. LEVINE: If it -- if, at some point, you were
22 presented with a copy of a survey, would that refresh your
23 recollection?

24 A Possibly.

25 Q Okay. Do you generally recall -- I'm just going to start

1 very simply with it -- do you generally recall that the surveys
2 asked questions?

3 A Yes.

4 Q Okay. And did they ask questions about your Starbucks
5 experience?

6 A Yes.

7 JUDGE GEE: As an employee?

8 MR. LEVINE: Yes.

9 Q BY MR. LEVINE: And --

10 JUDGE GEE: Let the witness answer.

11 THE WITNESS: Yes.

12 JUDGE GEE: Sure.

13 Q BY MR. LEVINE: And your Starbucks experience would
14 include things like your wages?

15 A No.

16 Q No. What about your Starbucks experience as an employee?
17 Do you recall being asked on these -- on whatever surveys you
18 recall?

19 A Things about -- I can't think of an example.

20 Q Okay. Do you recall -- because you said you responded
21 from time to time --

22 A Yes.

23 Q Did I get that right?

24 A Yes.

25 Q Do you recall what some of your responses might have been,

1 some of the things you might have responded to?

2 Q Okay. Thank you. You -- in your --

3 MR. LEVINE: Strike that.

4 Q BY MR. LEVINE: I think we were talking a little bit about
5 your -- your COVID experience at the store.

6 A Yes.

7 JUDGE GEE: Mr. Levine, we're still on the Illinois store;
8 is that correct?

9 MR. LEVINE: Yes. I'm sorry.

10 JUDGE GEE: All right. Thank you.

11 Q BY MR. LEVINE: Yeah. And -- and were there various
12 things that Starbucks did to support partners that had needs
13 during COVID?

14 MR. FRUMKIN: Objection to relevance.

15 JUDGE GEE: What is the relevance?

16 MR. LEVINE: I -- I -- it's all the same thing. I -- I'm
17 going to have to say it over and over again. There -- there is
18 a -- there is a feedback loop at Starbucks that comes in many
19 different forms and fashions. Partners express their needs and
20 the company reacts to those needs that it believes are the
21 highest priority at the time. And there were many needs that
22 were conveyed and addressed during COVID-19, which I think the
23 witness may have some insight to, maybe not, I -- I don't know,
24 but.

25 JUDGE GEE: Thank -- thank you. Overruled.

1 Go ahead and answer the question if you still recall it.

2 THE WITNESS: Can you repeat the question?

3 Q BY MR. LEVINE: Sure. Not a problem at all.

4 So -- so during COVID, you had indicated, for example,
5 that people needed to quarantine, right?

6 A Right.

7 Q And for some who are compelled to quarantine, that's an
8 economic hardship, right?

9 A Right.

10 Q And that was a concern that many partners that you were
11 familiar with had, right?

12 A Yes.

13 Q And that is among the concerns that the company sought to
14 address during COVID --

15 MR. FRUMKIN: Objection. Speculation.

16 JUDGE GEE: Could you rephrase, please?

17 MR. LEVINE: Sure.

18 JUDGE GEE: As opposed to the -- the motivations for the
19 Respondent asking the question, simply what the Respondent
20 asked.

21 Q BY MR. LEVINE: Well, the Respondent -- the Respondent --
22 Starbucks sought to understand in different ways the needs of
23 its partners during COVID, yes or no?

24 MR. FRUMKIN: Objection to speculation.

25 THE WITNESS: I don't know what their intention was for

1 doing the things they did.

2 Q BY MR. LEVINE: Okay. What are the different things --
3 what are the different benefits that you recall Starbucks
4 providing to its partners to support them during COVID?

5 A We got a daily free food mark out.

6 Q I -- I'm -- a little trouble hearing you. Can you just
7 speak up?

8 A We got a daily free food and beverage mark out.
9 Typically, we would only get that on days we worked, but during
10 COVID, we were able to have it any day, even on our days off.

11 Q Could you explain what that means?

12 A So Starbucks would provide employees with, like, on my day
13 off, I was able to go through the Starbucks drive thru and
14 order one drink and one food item, go up to the window, give
15 them my partner numbers, and then I would get it for free.

16 JUDGE GEE: I see, okay. Go ahead Mr. Levine.

17 Q BY MR. LEVINE: And -- and were there other things that --

18 A It was -- sorry. Go ahead.

19 Q That's okay. I -- I do -- I was just going to say, were
20 there other things that Starbucks did specifically to support
21 partners during COVID-19?

22 MS. PARKER: Objection, Your Honor. Just to this
23 discontinued line of questioning as to relevance. It's outside
24 the scope of direct. They presumably have, you know, 20
25 witnesses to put on this defense about these previous types of

1 sessions, so I just don't know how long it will go on.

2 MR. LEVINE: In -- in a -- you know, we should -- may --
3 maybe we should have an off-the-record discussion and excuse
4 the witness for a moment because this appears to be a
5 continuing problem that we're going to have throughout the
6 cross-examination that I'd like to finish today, that I
7 probably won't be able to finish today.

8 Can we do that, Your Honor?

9 JUDGE GEE: Yes. Could you just step outside for a few
10 minutes? We'll come get you.

11 THE WITNESS: Okay.

12 JUDGE GEE: Well, it is beyond the scope of direct.

13 MR. LEVINE: There -- there is no such thing as beyond the
14 scope of direct in a case that alleges an impermissible
15 solicitation occurred because what's relevant to cross, as will
16 be relevant to my case-in-chief, is what the practices are.
17 And again, we have to -- we have to just -- I just need to
18 know, and I'm going to need to know on the record, am I going
19 to be constrained in the case that I put on or not?

20 JUDGE GEE: Well, what I'm hearing are two different
21 things. The scope of the direct did not include this. This is
22 outside the scope of direct. What I think I hear you say is
23 that what you seek to adduce from this testimony is germane to
24 Respondent's defense. Now, that's something different.

25 MR. LEVINE: It's not, though. It -- it conflates Board

1 law and solicitation cases.

2 JUDGE GEE: It is -- it is relevant to Board law in
3 solicitation cases. That doesn't change the fact that it's
4 beyond the scope. What I -- what I believe your position is,
5 is that this is relevant to your defense and you're happy to
6 take this witness -- subpoena this witness, and -- and adduce
7 this testimony from her as part of your defense. That's what
8 I -- what -- that's what makes sense to me. With -- with my
9 ability to regulate the hearing, I'm not going to preclude you
10 from making Respondent's defense, but typically, when it comes
11 to asking questions beyond the scope, I will permit limited
12 questioning, but it appears to me that what you seek to do is
13 substantially more. And thus, it seems to me the appropriate
14 thing for you to do is to request a subpoena to have this
15 witness return and -- and give her testimony consistent with
16 how you envision Respondent's defense.

17 MR. LEVINE: But we can -- we can do it the hard way. The
18 witness is here. The witness, as I understand it, doesn't live
19 in the State. I don't know if that's true or not.

20 JUDGE GEE: I -- I don't recall her ever saying that. I
21 don't happen to know.

22 MR. LEVINE: Okay. But where my -- my quarrel is that
23 this isn't beyond the scope. The scope is the allegation in
24 the complaint that Starbucks unlawfully solicited this partner
25 and other partners in the A defense, not the only defense, but

1 A defense is what does Starbucks do otherwise to solicit
2 feedback from its partners and respond.

3 I think you -- I -- I think you need to rule that I
4 either can or can't ask this witness those questions. I -- you
5 know, it needs to be that clear cut for me because otherwise,
6 I'm going to be exploring lines that will be repeatedly
7 interrupted and we'll be having this discussion over and over
8 again, which I don't -- look, I'm -- I'm not trying to be
9 difficult.

10 I'm trying -- my -- my client is owed a full defense. My
11 client is entitled to a full defense. Board law outlines what
12 different components are relevant to a full defense, and so I'd
13 like to do that.

14 JUDGE GEE: General Counsel?

15 MS. PARKER: This -- this case is about what happened at
16 this particular meeting. The direct testimony was what
17 happened at this April 8th meeting in Long Beach. That's --
18 that's the focus of this case.

19 We understand Respondent has a right to make their defense
20 in response to the solicitation of grievances allegation, but
21 our solicitation of grievances allegation is occurring within
22 the context of this April 8th meeting, so as far as going back
23 to the employee's previous employment in Illinois at Long
24 Beach, you know, and all of the events, I mean, this just
25 doesn't seem the proper way to put on Respondent's defense when

1 they have 20 witnesses to put on to establish that defense.

2 MR. LEVINE: Your -- Your Honor.

3 JUDGE GEE: Well, pause just one second.

4 MR. LEVINE: Okay.

5 JUDGE GEE: I'd like to hear from Mr. Frumkin.

6 MR. LEVINE: Well, I don't want to forget about my point.

7 But okay. I will.

8 JUDGE GEE: Jot down -- jot down your point. We'll get to
9 it in just a heartbeat.

10 Mr. Frumkin?

11 MR. FRUMKIN: I -- Your Honor, I do tend to agree with
12 General Counsel as -- as an added piece of flavor. I think
13 stipulations will show that Starbucks has 9000 company owned
14 stores and 220,000 hourly retail employees across the country.
15 I think it's simply -- dilutes the point of the complaint,
16 which is limited to a particular collaboration session at a
17 particular date, at a particular location, to introduce the
18 universe of facts that the Respondent is attempting to explore.

19 JUDGE GEE: Okay. Mr. Levine?

20 MR. LEVINE: If that were true, Your Honor, we wouldn't --
21 we would not have received a subpoena, which you partially
22 revoked items I'm going to -- I'm going to probably blow the
23 specific item, but I think it's 17, 18, and 19.

24 MR. FRUMKIN: Correct.

25 MR. LEVINE: That subpoena in any variety of different

1 ways the different mechanisms in which Starbucks contends that
2 it solicits grievances from its partners. And so if you want
3 to go ahead and revoke those provisions of the subpoena and
4 just have us come put on our -- our defense at some point,
5 that's a different animal.

6 But nobody can sit here with a straight face and tell me
7 this is about April 8th when they submit -- when they have
8 submitted an extensive subpoena, and I don't know the number of
9 gigabytes and I -- that's Weiner's job.

10 I don't know anything about, you know, how you go about
11 harnessing electronic discovery, but what I do know is that it
12 was a very broad subpoena that cuts to the heart of Starbucks
13 practices regarding the feedback that it solicits from its
14 partners and how it results. So to say that this is irrelevant
15 and just about April 8th, if I could fall out of my chair, I
16 would have.

17 JUDGE GEE: Thank you. I'm seeing this differently from
18 you, obviously. Is it -- is this subject matter relevant to
19 Respondent's defense? Of course it is.

20 Is it beyond the scope? Yes, it is.

21 So to the extent that there are further questions that go
22 beyond the events of April 8th and -- and whatever other
23 testimony the witness presented on direct, I will sustain those
24 objections.

25 However, I just want to be clear. You, on behalf of

1 Respondent, absolutely has the right to present this defense,
2 if you would -- if you request --

3 MR. LEVINE: An in trial subpoena?

4 JUDGE GEE: -- a -- a subpoena ad testificandum, I will
5 grant it because this witness clearly has knowledge that would
6 be germane to Respondent's defense.

7 Do you wish to make that request?

8 MR. LEVINE: Absolutely, Your Honor. And -- and not only
9 that, what I would request is that I get a ruling on the record
10 from you that I am not permitted to ask any questions of this
11 witness on cross-examination that are outside the confines of
12 the events of April 8th.

13 JUDGE GEE: My ruling is that your question's going to say
14 the witness's experience with her orientation at the Illinois
15 store are beyond the scope of direct.

16 MR. LEVINE: How --

17 JUDGE GEE: I further --

18 MR. LEVINE: Sorry.

19 JUDGE GEE: I permitted you leeway to ask some questions,
20 but it's -- it's evident to me that you wish to do more than
21 that, and as you explained, this goes to Respondent's ability
22 to support its defense. And again, I have no opposition to
23 that.

24 However, this is -- this isn't -- this is cross-
25 examination of General Counsel's witness, and General Counsel's

1 witness gave testimony on limited events this morning, so that
2 would be my ruling.

3 How you wish to characterize it, I guess, it's going to be
4 up to you. But I do see these questions being beyond the scope
5 of direct.

6 MR. LEVINE: If they were beyond the scope of direct,
7 forgive me for, you know, belaboring this, if they were beyond
8 the scope of direct, Counsel -- for the General Counsel would
9 not have asked the witness a single question about her Illinois
10 employment at Starbucks. It's that simple. So -- so, you
11 know, the door -- my perspective is that the door is completely
12 open, and nothing I've asked so far is beyond the scope of
13 direct.

14 And so again, you know, on the record, I -- I'm going to
15 seek a discussion so that your rulings are perfectly clear to
16 me as to what I can and can't ask.

17 JUDGE GEE: We are on the record presently; is that
18 correct?

19 THE COURT REPORTER: Yes.

20 MR. LEVINE: Okay. Perfect.

21 JUDGE GEE: So --

22 MR. LEVINE: I -- I thought we were off the record.

23 JUDGE GEE: So you have my ruling. We're -- I -- I agree
24 and I sustained the objections, and that's my ruling.

25 MR. LEVINE: So -- so I understand, I -- on cross-

1 examination, I cannot ask this witness about the various
2 avenues that were available to her -- they, sorry -- and their
3 partners either at these Long Beach stores or these Illinois
4 stores to raise and resolve grievances regarding their
5 employment. That's outside the scope --

6 JUDGE GEE: It is out --

7 MR. LEVINE: -- of -- of cross-examination.

8 JUDGE GEE: It is outside the scope. That said, I will
9 permit you the opportunity to ask a limited number of questions
10 from this witness, but not beyond a limited set of questions.

11 And so it appears to me that what you wish to adduce from
12 this witness is significantly more inappropriately presented in
13 Respondent's defense.

14 I'm not cutting off Respondent's ability to adduce this
15 testimony. I am sustaining objections as to Respondent's
16 attempt to adduce this testimony as part of its cross-
17 examination this morning.

18 MR. LEVINE: So Your Honor, we do request that a subpoena
19 duces tecum so testimony and documents be issued for this
20 witness, for -- for whenever we resume trial on this matter.

21 JUDGE GEE: Okay. Your request is granted.

22 And I ask the General Counsel to please one blank subpoena
23 at task and one blank subpoena duces tecum to Respondent's
24 counsel.

25 MR. LEVINE: And -- and I'm going to do my best, Your

1 Honor, to reorient my cross-examination around these rulings,
2 and I thank you.

3 JUDGE GEE: I appreciate that.

4 Anything from you, General Counsel?

5 MS. PARKER: No, nothing further, Your Honor.

6 JUDGE GEE: Mr. Frumkin?

7 MR. FRUMKIN: No, thank you.

8 JUDGE GEE: And General Counsel, would you get the
9 witness, please? Thank you. That's all.

10 We're -- we're ready to continue with your examination.

11 Anytime you're ready, Mr. Levine.

12 MR. LEVINE: Thank you, Your Honor.

13 **RESUMED DIRECT EXAMINATION**

14 Q BY MR. LEVINE: Thank you for your patience, Mx. Hall.

15 A No problem.

16 Q So I'm going to focus for a bit on the April 8th meeting,
17 if that's okay with you. Obviously, you testified that you
18 attended the meeting.

19 Did you take notes at the meeting?

20 A Yes.

21 Q Okay. Did you -- do you still possess those notes?

22 A No.

23 Q What did you do with those notes?

24 A I threw them away.

25 Q Okay. Do you recall when you threw them away?



1 A No.

2 Q Okay. So I'm going to represent to you, I have your
3 affidavit and I'm going to represent to you that you signed
4 this on May 6th of 2022.

5 MR. LEVINE: Can I approach, Your Honor?

6 JUDGE GEE: Yes. You may.

7 MR. LEVINE: Thank you.

8 Q BY MR. LEVINE: Mx. Hall, I'm just going to hand this to
9 you. This is your affidavit.

10 JUDGE GEE: Let the record reflect that -- that
11 Respondent's Counsel has handed the witness a copy of her
12 affidavit.

13 Q BY MR. LEVINE: When did you sign that affidavit, Mx.
14 Hall?

15 A May 6th, 2022.

16 Q Thank you. Can I have that back?

17 JUDGE GEE: And let the record reflect that the witness
18 returned the affidavit to -- back to Respondent's Counsel.

19 Q BY MR. LEVINE: When, in relation to May 6th of 2022, did
20 you throw away your notes?

21 A I don't recall.

22 Q So the Long Beach meeting was on April 8th, yes?

23 A Yes.

24 Q Your affidavit was on May 6th?

25 A Yes.



1 Q And somewhere in between, you threw them away?

2 MR. FRUMKIN: Objection. Misstates prior testimony. It
3 does misstate --

4 MR. LEVINE: I'm sorry.

5 JUDGE GEE: Why don't you just ask an open-ended question?

6 MR. LEVINE: Sure.

7 Q BY MR. LEVINE: What -- when did you throw them away, as
8 best you can recall in relation to April 8th?

9 MR. FRUMKIN: Objection. Confusing question. It would --

10 Q BY MR. LEVINE: I -- I don't think it's confusing, but
11 just to the extent that you remember and if you don't remember,
12 that's okay.

13 A I held on to them for a while until I needed the binder
14 for something else. I don't quite remember when that was.

15 Q Okay. Was it before or after you gave your affidavit?

16 A I don't recall.

17 Q Did you have notes when you gave your affidavit?

18 A I don't recall.

19 Q Well, this is a very detailed affidavit, and it appears
20 that you probably had something to refresh your recollection
21 when you gave it. Would have been those notes?

22 MR. FRUMKIN: Objection. Speculation and assumes facts
23 not in evidence.

24 JUDGE GEE: Well, no. It doesn't assume facts not in
25 evidence.

1 But do you -- are you able to answer that question?

2 THE WITNESS: No.

3 Q BY MR. LEVINE: Do you recall if you disposed of the notes
4 before or after the charge in in this matter was filed?

5 A I don't recall.

6 Q Did you provide your notes to anybody else?

7 A Not that I recall.

8 Q Did you provide copies of your notes to anybody else?

9 A No.

10 Q But you spec -- you specifically recall throwing them
11 away?

12 A I got rid of them. I took them out of the binder.
13 They're not in my apartment anymore. I looked, so I believe I
14 threw them away.

15 Q Okay. And you threw them away knowing that they would be
16 the subject matter of some form of litigation; is that right?

17 A It wasn't something I thought about when I threw them
18 away.

19 Q You just had forgot that this case was pending in some
20 fashion?

21 JUDGE GEE: Mr. -- Mr. Levine, the witness answered the
22 question.

23 MR. LEVINE: Thank you, Your Honor.

24 Q BY MR. LEVINE: Did you -- so you indicated that you took
25 notes during the meeting. Did you make any video, audio or

1 other recording of any portion of the meeting?

2 A No.

3 Q Did you make any video, audio, or other recording related
4 to the meeting? For example, a TikTok?

5 A Yes.

6 Q Okay. When did you make a TikTok related to the meeting?

7 MR. FRUMKIN: I'm going to object to relevance. This is
8 beyond -- and this is beyond the scope of cross-examination.

9 JUDGE GEE: Just pause.

10 THE WITNESS: The --

11 JUDGE GEE: Don't -- don't --

12 THE WITNESS: Oh, I'm sorry.

13 JUDGE GEE: I'm sorry. Don't answer the question. It's
14 irrelevant.

15 MR. LEVINE: Can we excuse the witness?

16 JUDGE GEE: Yes. Of course.

17 I'm sorry. Would you step outside for just a moment?

18 Go ahead.

19 MR. LEVINE: Thank you, Your Honor. These are the
20 complaint is three of the four are straight 8(a)(1)s that
21 require the General Counsel to establish coercion under the
22 Act. As everyone in the room knows, under Board law, coercion
23 is a totality of the circumstances test. All of the context in
24 and around the meeting matters, and I -- I -- my question was
25 very specific, which was did they make any video, audio or

1 other recording related to the meeting? And so some
2 exploration of that is relevant.

3 JUDGE GEE: Right, but how -- how was a subsequently
4 compared TikTok -- I don't know exactly what a TikTok is other
5 than a short video.

6 MR. LEVINE: Yeah.

7 JUDGE GEE: How is that relevant?

8 MR. LEVINE: We don't know if it -- well, so far, we don't
9 know if it was made subsequently or prior, and it's the prior
10 piece that I am starting with, so.

11 JUDGE GEE: Your --

12 MR. LEVINE: So --

13 JUDGE GEE: Thank you. Mr. Franken?

14 MR. FRUMKIN: Your Honor, if I can respond.

15 The -- the subjective reaction of the employee has no
16 bearing on the -- the totality of the circumstances and whether
17 or not there is a possibility of whether or not the conduct
18 could have been construed as coercive --

19 JUDGE GEE: Right.

20 MR. FRUMKIN: -- which will actually the question before
21 you.

22 MR. LEVINE: I --

23 JUDGE GEE: Pause, pause, Mr. Levine.

24 MR. LEVINE: Sure.

25 JUDGE GEE: Right. 8(a)(1) allegations, coercion

1 allegations are evaluated by an objective standard, so yes,
2 I -- I agree with that. I don't know enough to say that this
3 isn't relevant, though.

4 But I -- I want to hear from you, General Counsel.

5 MS. PARKER: I mean, I would -- I would agree with what --
6 what the Union has stated, Your Honor.

7 JUDGE GEE: But what -- what's the basis of that, though?

8 MS. PARKER: I mean, it was presumably -- the -- the video
9 was posted. Well, I guess we don't know yet the relation of
10 the timing of the video, but -- but it's not pertaining to -- I
11 mean, I agree that -- that it's an objective standard, so an
12 individual's personal reaction or opinion to what happened in
13 that meeting would not be relevant here.

14 JUDGE GEE: All right. I -- I don't know enough to say
15 it's -- it's not relevant, so I'll -- I'll permit the
16 questioning.

17 Well, would General Counsel, bring the witness back in.

18 MR. LEVINE: Thank you, Your Honor.

19 JUDGE GEE: All right. Mr. Levine, please proceed.

20 MR. LEVINE: Thank you, Your Honor.

21 Thank you, Mx. Hall.

22 Q BY MR. LEVINE: Mx. Hall, my -- my question before we
23 took a -- a little break -- and just so you understand,
24 sometimes we have a -- we have a break outside your presence so
25 that we can talk about certain matters without it influencing

1 your testimony in any way, shape, or form.

2 I asked you if you had made any video, audio or other
3 recording related to the April 8th meeting. You -- and I think
4 I asked as an example, a TikTok. You said you had made it
5 TikTok, and that's where we left.

6 Can you tell us about -- first of all, can you tell us
7 what a TikTok is for the record?

8 A A TikTok is a video sharing app. It's like a short video
9 anywhere from a few seconds to, like, three minutes long.

10 Q And is a TikTok -- and forgive me for not knowing, but is
11 it a social media platform?

12 A Yes.

13 Q Okay. And did you make a TikTok about the meeting at any
14 time before the meeting?

15 A No.

16 Q Okay. And you made one after the meeting?

17 A Yes.

18 Q And was it about the meeting?

19 A Yes.

20 Q And was it about what occurred in the meeting?

21 A Yes.

22 MR. FRUMKIN: Again --

23 JUDGE GEE: Go ahead and finish your objection.

24 MR. FRUMKIN: I'm again objecting to relevance. I think
25 we now know enough about where we are to renew this objection.

1 JUDGE GEE: All right. I'm going to overrule that.

2 Go ahead.

3 Q BY MR. LEVINE: What is it that you TikTok about the
4 meeting?

5 A I explained the interaction that I had. Well, I explained
6 what happened, so the meeting itself, what the meeting was, and
7 the interaction that I had with Howard Schultz.

8 Q Okay. And is that the only -- and by the way, is -- is a
9 TikTok something that is maintained on a social media account?
10 Is that something you keep or have?

11 A Yes. It's on social media account. It was posted on the
12 Starbucks Workers United TikTok account.

13 Q And is that the only video, audio, or other recording that
14 you made about the April 8th meeting?

15 A Yes.

16 Q And do you recall any specifics about what you said on the
17 TikTok?

18 A I said that I addressed the Union concerns with Howard
19 Schultz, and I said that he would not answer the question. I
20 said that he told me to work somewhere else if I hate
21 Starbucks. I said that he told me that we could talk about it
22 afterwards, but he left before we could do that. And that is
23 what I remember saying.

24 Q Okay. Did you make the TikTok with others?

25 MR. FRUMKIN: Objection. Intrudes into Section 7

1 activity.

2 MR. LEVINE: It -- it actually doesn't.

3 JUDGE GEE: Pause. Pause. I'm sorry. Let me -- let me
4 think about this.

5 What -- what is your response, Mr. Levine?

6 MR. LEVINE: Is this something I can say in front of the
7 witness or -- or not because Star -- Starbucks has gotten a
8 number of unfair labor practice charges filed against it for
9 things its lawyers have said and subpoenaed in the variety of
10 cases that I'd -- I'd rather not have my name in one.

11 JUDGE GEE: Well, in an abundance of caution, I'm going to
12 ask Mx. Hall, kindly step out for a moment.

13 THE WITNESS: Okay.

14 JUDGE GEE: So --

15 MR. LEVINE: Thank you, Your Honor.

16 JUDGE GEE: I don't know what you're going to say.

17 MR. LEVINE: Yeah, yeah, yeah. No, this is a --
18 obviously, discussions like this should be had out, you know,
19 outside the hearing of the witness.

20 You know, this -- this entire case has been presented by
21 Counsel for the General Counsel as a case that's above -- about
22 Section 7 rights and Counsel of the General Counsel, during
23 direct of this witness, went extensively into the various
24 Section 7 activities that the witness had engaged in and opened
25 up the door that way.

1 Whether or not -- and I -- I didn't ask who. I just asked
2 if the witness made the TikTok with others, and frankly, I'm
3 not going to ask about the who at this point in time. I may at
4 some point, but not at this particular point in time.

5 But the -- whether or not a group was involved in relation
6 to the April 8th in a TikTok that was made on April 8th, is
7 going to be relevant to the context of whether or not the April
8 8th meeting was or was not coercive.

9 And again, context and circumstances in and around the
10 meeting are quite relevant under Board law as it exists today,
11 and so I have, I think, a rather narrow line of questioning
12 around this.

13 JUDGE GEE: Well, I obviously, I don't know the questions
14 you're about to ask, but generally, the concern in this regard
15 is the -- the outing, if you will, of other -- of coworkers,
16 the identity of coworkers who would have engaged is this
17 Section 7 activity.

18 So to -- to avoid any sustained objections going forward,
19 I -- I would ask you to -- to shape your questions to avoid
20 such -- such questions.

21 MR. LEVINE: I will do that, Your Honor, and -- and to the
22 extent that any answer makes the who relevant, I won't ask the
23 witness. I'll ask for a sidebar with all of us to have that
24 discussion.

25 MR. FRUMKIN: May I respond briefly?

1 JUDGE GEE: Yeah -- yeah, please.

2 MR. FRUMKIN: In addition, I'm going to expand my
3 objection to the fact that this is just outside the scope of
4 direct examination of where -- I -- I understand that you
5 granted some leeway previously, but this is far outside the
6 bound. We now know that there was a TikTok. It was made
7 afterwards, and it was about the content.

8 I also object to the relevance of whether or not others
9 were involved in the creation of a TikTok video.

10 JUDGE GEE: Given Mr. Levine's representation that he has
11 a limited sphere of questions in this regard, I'm going to
12 permit it.

13 So overruled.

14 General Counsel, would you get the witness?

15 MR. FRUMKIN: Yes.

16 JUDGE GEE: Thank you, Mx. Hall. Just -- just have a
17 seat, please.

18 Go ahead, Mr. Levine.

19 MR. LEVINE: Thank you, Your Honor.

20 Q BY MR. LEVINE: Thank you, again, for your patience, Mx.
21 Hall.

22 Mx. Hall, I'm going to preface my question this way. If I
23 ask you about your interactions with others, do not use their
24 names, okay? If --

25 JUDGE GEE: Or -- or identify how many others. Proceed.



1 MR. LEVINE: The how many doesn't reveal the who, Your
2 Honor. The how many doesn't expose anybody to anything. So
3 maybe we could revisit that as the questioning unfolds, if it
4 becomes relevant.

5 JUDGE GEE: We'll see, yes.

6 MR. LEVINE: Okay. Thank you, Your Honor.

7 Q BY MR. LEVINE: Mx. Hall, we were asking you about the
8 TikTok. Do you recall that?

9 A Yes.

10 Q Okay. And I asked -- I -- and I don't -- I don't recall
11 the specific question, but did others appear in the TikTok with
12 you?

13 A No.

14 Q Okay. So it was just you?

15 A Yes.

16 Q And my -- my understanding is, like, you can do a TikTok
17 yourself. You hold your phone and videotape yourself or
18 someone can video you doing it; is that right?

19 A Yes.

20 Q And in this case, you used your own phone and videoed of
21 yourself?

22 A No.

23 Q Okay. Somebody else videoed you?

24 A Yes.

25 Q Okay. And did this occur at someplace around the building

1 or in the building where this event on April 8th was held?

2 A No.

3 Q During the meeting on April 8th, did you communicate with
4 others outside the meeting? And let me be specific about what
5 I'm -- what I'm asking. I'll just sort of give you an example.

6 I know from time to time when I've been in meetings, that
7 I will text message others while I'm actually in the meeting.
8 Did you do that during the April 8th meeting?

9 A Yes.

10 Q Okay. And did you retain your -- do you still have the
11 phone that you used to make those text messages?

12 A Yes.

13 Q You do? And do the text messages still appear on your
14 phone?

15 A No.

16 Q Okay. You removed them?

17 A Yes.

18 Q And why did you remove the objection?

19 MR. FRUMKIN: Objection. Relevance.

20 JUDGE GEE: What is the relevance?

21 Q BY MR. LEVINE: But were you texting about the meeting
22 while you were in the meeting?

23 A Yes.

24 MR. LEVINE: That's the relevance. We -- we -- we are
25 here to create a full picture of what was said and what was

1 done during the meeting. We don't have the whole thing on
2 video. The witness took notes which the witness has said they
3 threw away. The witness was texting in real time about what
4 was being said and happening in the meeting, which again, had
5 been disposed of.

6 JUDGE GEE: But -- but the witness's subjective reasons
7 for texting --

8 MR. LEVINE: I didn't ask about the subjective reasons. I
9 just asked whether they did or not.

10 JUDGE GEE: I believe it was a wide question.

11 MR. FRUMKIN: You're correct, Your Honor. The question
12 wasn't about why they were texting. It was why they deleted
13 the texts. And I agree --

14 JUDGE GEE: Right.

15 MR. FRUMKIN: -- with you that the subjective rationale is
16 irrelevant. It is irrelevant.

17 MR. LEVINE: I'm not asking about the -- the witness's
18 subjective reaction to what they heard in the meeting -- I'm
19 sorry -- what they heard in the meeting. I'm asking what the
20 witness did during the meeting. I'm entitled to ask the
21 witness what they did during the meeting because --

22 JUDGE GEE: Yes, it is.

23 MR. LEVINE: -- this is all about the meeting.

24 JUDGE GEE: Yes.

25 MR. LEVINE: And I'm asked the -- I'm able to ask the

1 witness why they did what they did during the meeting, and in
2 particular, I -- I'm entitled to ask about spoliation of
3 evidence. And -- and we have notes that, you know, are
4 relevant, that have been disposed of. Now, we have text
5 messages that are relevant that have been disposed of

6 JUDGE GEE: Pause. Pause. Pause. Should we excuse the
7 witness?

8 MR. LEVINE: Sure.

9 JUDGE GEE: Sorry, Mx. Hall.

10 THE WITNESS: Thank you. Getting your stuff.

11 JUDGE GEE: I'm not -- I'm not understanding why the
12 witness's motivation for deleting a text is -- is relevant.

13 MR. LEVINE: Well, I'm going to say context, context,
14 context over and over again as we're having these discussions.

15 And I'd rather not have to share my entire legal theory
16 regarding this without examining the witness. I've got -- I've
17 got a theory about this. I'd like to pursue it.

18 What happened at the meeting and the why it happened is
19 appropriate questioning. We can -- we can sit -- you know, you
20 can rule it's not. Obviously, you can and I'll move on, but
21 I -- I -- it will be incomprehensible to understand how
22 something the witness did in the meeting and why is not
23 relevant -- and the what -- we still haven't got into what was
24 texted specifically.

25 We've heard -- we've heard the witness, you know, and I'll

1 just, you know, I'll just put it out there. You know, the
2 witness has already testified in a manner that's contradicted
3 by the actual video that we've seen of the interaction, and
4 it's my view that when the witness shows up to a meeting of
5 this nature with a binder for purposes of sharing these Union
6 activities and confronting the CEO, that suggests an element of
7 noncoerciveness, and I'd like to pursue that fully.

8 And so that's that's where I'm going.

9 JUDGE GEE: All right. Well, that -- that would be
10 subjective, and therefore, I'm not -- I don't think that is
11 relevant.

12 Second of all, with regard to this line of questioning
13 having to do with the witness's texting, during the events of
14 that April 8th meeting, those are -- those are beyond the
15 scope, and as I've said before with other rulings, I will
16 permit a modest amount of questioning outside the scope.

17 I understand that you have a theory you wish to make, and
18 that's a line of evidence you wish to establish, and that's
19 perfectly fine and appropriate as part of Respondent's defense,
20 but again, the separate issue is it's beyond the scope of
21 direct. And it is.

22 I will allow a modest amount of questions, but if you
23 believe that you're going to want more than a modest amount of
24 questions beyond the scope of direct, I suggest that it's --
25 it's better taken up when you call this witness as your own

1 witness.

2 MR. LEVINE: I think it feels like -- Your Honor, thank
3 you. I -- I think it feels like I may be asking more than I am
4 because we have constant objections and constant sidebars of
5 discussions of them that, you know, frankly, take far longer
6 than it would take for me to actually ask the questions and get
7 answers.

8 I want to fully understand your ruling that the questions
9 about the witness's texting about the meeting during the
10 meeting are beyond the scope of direct.

11 And let me just go --

12 JUDGE GEE: Sure.

13 MR. LEVINE: -- so I can finish that thought. The -- the
14 witness was asked extensively about these activities during the
15 meeting as well as the activities of others during the meeting.
16 I -- I'm -- I'm hard pressed to understand how my questions
17 could be beyond the scope of direct unless you're saying -- and
18 so I understand -- unless you're saying because the witness
19 wasn't asked on direct about texting during the meeting, you
20 can't ask; is that the ruling?

21 JUDGE GEE: That is -- that is the rationale for the
22 ruling.

23 MR. LEVINE: Is that the ruling?

24 JUDGE GEE: I'm not sure the difference.

25 MR. LEVINE: Well --



1 JUDGE GEE: Well, okay. Let me -- let me state it
2 affirmatively.

3 MR. LEVINE: Okay.

4 JUDGE GEE: Which is General Counsel asked about the
5 event -- the events of the April 8th meeting. General Counsel
6 did not ask about the witness texting during the meeting, nor
7 certainly did she ask about motivations for deleting texts at
8 some subsequent time.

9 So for -- for that reason, if you wish to ask to the
10 extent that you wish to ask questions about what the General
11 Counsel asked about, that is the events of the April 8th
12 meeting, the witness's observations of what was occurred, what
13 was said, that's perfectly fine.

14 However, this particular line of questioning, i.e. the --
15 the texting and -- and then deletion and motivations for
16 deletions, those are all beyond the scope. I will -- I will,
17 as I've said, I'll give you permission to ask a limited amount
18 of questions, but the extent to which you are asking these
19 questions exceeds a minimum -- a -- a minimal amount of
20 questions and is properly brought up during your defense.

21 MR. LEVINE: The -- and I -- and I believe, Your Honor,
22 I'm going to have to pivot for a second to Mr. Weiner to talk
23 about spoliation, because spoliation is relevant. Spoliation
24 of evidence is relevant, and if the witness was texting in real
25 time about what was being said, for example, at the meeting,

1 that is -- that is an event at the meeting.

2 You indicated in your ruling here that General Counsel
3 asked about the events at the meeting, the activities at the
4 meeting. Well, this is an event and an activity at the
5 meeting, and it's, I -- I believe, the witness has testified
6 that they were communicating about what was going on at the
7 meeting.

8 I'm still a bit lost as to why that's not relevant, but I
9 respect your ruling. I do think we have to have a discussion
10 about spoliation.

11 And so I'm going to transition to Mr. -- Mr. Weiner, who I
12 have no idea what he's going to say, but he wants to say
13 something.

14 JUDGE GEE: All right. Mr. Weiner, please.

15 MR. WEINER: Thank you. Good morning and thank you, Your
16 Honor.

17 I'll just note, I'm National eDiscovery for Littler
18 Mendelson, this is all that I do, and I'm involved in all of
19 these cases that are going on around the country, and I'll
20 point out why that's relevant in a minute.

21 What we're handling is very troubling. This witness had a
22 binder. She took notes. She sent and maybe received -- we
23 haven't asked yet, text messages and all of that is gone. She
24 attended a meeting on the 8th and shortly thereafter she signed
25 a declaration.

1 And I'll note on top of the declaration it says, I
2 understand that this affidavit is a confidential law
3 enforcement record. She clearly understood that some type of
4 litigation was coming out of this, and I'll note the Board has
5 been serving preservation of evidence letters on Starbucks
6 going back to Buffalo, where they're demanding for the first
7 time in 40 years that we preserve electronic data and
8 documents.

9 For this -- their witness to show up and talk about data
10 and documents that have been destroyed when -- when they're
11 demanding that Starbucks comply with that obligation is
12 outrageous.

13 I'll also note, Your Honor, that the question of why she
14 destroyed this is going to be critical to a whole 47(e)
15 analysis because under amended 37(e) and it was amended in
16 2015, there's Section E-1 which deals with curative measures,
17 and there's Section E-2 that deals with sanctions. And
18 sanctions are for intentional conduct. Curative measures are
19 for other issues.

20 So there's a wealth of information we have to explore with
21 this witness, and frankly, with the Board, about why all of
22 this evidence is missing.

23 JUDGE GEE: General Counsel?

24 MS. PARKER: We will -- we will discuss this -- this issue
25 with the Region. You know, at the point that we met with the

1 witness, we -- the met -- the -- the documents had been -- had
2 to have -- were no longer available, had been, I guess,
3 destroyed or disposed of, so.

4 MR. LEVINE: This -- this is -- I'm sorry.

5 JUDGE GEE: Well, just -- well just -- pause. But what
6 is -- what is your position about the objection that this
7 exceeds the scope of direct?

8 MS. PARKER: Oh, well, Your Honor, it -- it seems to me
9 that it's -- it's these questions are going to Mads'
10 subjective, you know, impressions of this meeting and to their
11 theory that -- that this was not a coercive event is what I'm
12 gathering from -- from the line of questioning or this is not a
13 coercive format.

14 Again, this is an objective standard from an objective
15 employee. Mads was not the only employee in the room. So
16 although a comment may have been directed at Mads or other
17 employees in the room that particular day, who may have been
18 coerced, so I -- I don't see the relevance to the line of
19 questioning.

20 JUDGE GEE: All right. Mr. Frumkin?

21 MR. FRUMKIN: Thank you. I think I've stated the basis
22 for my objection in some detail. I -- I would also just add in
23 response to Mr. Wiener's point, it occurs to me that a subpoena
24 duces tecum and ad testificandum have already been granted.

25 These documents can be requested, and we can then

1 represent whether or not they even exist on a fuller search.
2 The Union is, you know, sitting here right now. I'm not aware
3 of them. They weren't the basis of a claim, so it may be that
4 we can hunt some of these larger questions to a more
5 appropriate time when we're talking either about the, you know,
6 producing in response to the subpoena or in a petition to
7 revoke it.

8 JUDGE GEE: All right. And Mr. Levine?

9 MR. LEVINE: Your Honor, I don't know Rule 37. I -- I
10 don't -- that's -- that's someone else's bucket, and I
11 certainly appreciate the passion with which Mr. Weiner
12 expressed the concern that we have, which I share.

13 What we don't clearly have at the moment, which I feel we
14 should have, is a representation from Counsel for the General
15 Counsel as to whether or not Counsel for the General Counsel --
16 the General Counsel, the Region was aware of the existence of
17 notes and text messages which have been destroyed at this
18 point, that -- that we, you know, the witness couldn't answer,
19 couldn't recall.

20 Counsel for the General Counsel knows something about the
21 subject matter. And so, you know, we'd like to hear what
22 the -- what the Counsel for the General Counsel knows or is
23 representing about the existence of notes from the meeting,
24 text messages from the meeting, TikToks from -- whatever it is,
25 I think we're -- we should have, you know, an understanding of

1 what Counsel for the General Counsel understood before we make
2 different accusations about who did what.

3 JUDGE GEE: Thank you. From -- from what I recall the
4 witness saying or -- and not saying thus far, I don't -- I
5 don't recall any indication that General Counsel was aware of
6 any of these things.

7 And I don't know -- I don't know what happened or didn't
8 happen, what was shared, what wasn't shared, but I don't recall
9 any testimony that this witness shared either with video or --
10 or any texts with the General Counsel.

11 So I'm -- I -- I can't comment on that.

12 But -- but my -- my ruling stands which is this is beyond
13 the scope of direct.

14 Now, that said, it appears we're going to be here for a
15 while today, and I -- I'm going to say that we're going to
16 break for lunch.

17 And so let's -- it's 1:18. Let's go off record.

18 (Off the record at 1:18 p.m.)

19 MR. LEVINE: And I'm sorry. We take the break. From the
20 collective, we have been doing this for many, many years all
21 together. We know those that have -- those that have given
22 affidavits, myself included, to the Board, know full well that
23 every investigator asks about notes and documents, videos, and
24 other things that capture what happened, if it exists with
25 regard to a relevant set of events.

1 And again, maybe that didn't happen here. I -- I am never
2 going to make an accusation without full information, but we do
3 need to hear what Counsel for the General Counsel knows about
4 this and what Counsel of the General Counsel doesn't know about
5 this. And then we can, you know, sort of proceed from there.

6 Again, I -- and -- and it's only in fairness to Counsel
7 for General Counsel. I -- we don't -- I -- I'm certainly not
8 and wouldn't make any accusations regarding, you know, your
9 conduct at all, but like what you do and don't know is, I
10 think, important to this.

11 JUDGE GEE: Well, let me ask you -- let me let you have
12 the last party opportunity to speak and then I'll say my piece.

13 MS. PARKER: Okay. As far as the notes -- and I think I
14 made that clear even on this witness's direct, that, you know,
15 I've been speaking with Mads, like I asked for notes. I -- I
16 clarified on -- during the witness's direct that they no longer
17 have those.

18 You know why -- why they were thrown away, it sounded like
19 they needed the binder and at some point, it got thrown away.
20 I asked several times, like, look around for any notes that was
21 done. I affirmed that several times.

22 The text messages, I'm not aware of at all, so this is
23 something new to me, but as far as the notes, I -- it is what
24 it is. They're not there. I knew that. I -- I brought that
25 out on the witness's direct.

1 MR. LEVINE: Okay. So -- so I -- so I understand, and I
2 appreciate you -- you sharing. I'm not perfectly clear quite
3 yet, but what I am understanding is that the notes existed.
4 They existed at the time the affidavit was given. They were
5 known to have existed at the time the affidavit was given. And
6 you learned -- you learned subsequently -- I'm sorry -- you
7 learned subsequently that they didn't exist any longer and you
8 were calling that out. Is that --

9 JUDGE GEE: That's -- that's not what I heard.

10 MR. LEVINE: Okay.

11 JUDGE GEE: I --

12 MR. LEVINE: That's what I'm getting at.

13 JUDGE GEE: I've heard nothing to date to now that would
14 suggest that the General Counsel was aware of any video, text,
15 or notes.

16 JUDGE GEE: Well, I asked -- so -- you were a little bit
17 distracted as I was speaking, so what I -- would -- what I was
18 understanding you to say, and I'm just trying to get a clear
19 answer to a direct question, the question was, were you aware
20 that the notes existed or was the office aware that the notes
21 existed at the time the affidavit was taken?

22 MS. PARKER: And we may need to, you know, discuss with
23 the Region internally because the person who investigated the
24 case is different from the person that's litigating this.

25 JUDGE GEE: Okay.

1 MS. PARKER: So there may need to be a little --

2 JUDGE GEE: So -- so why don't we --

3 MR. LEVINE: Your Honor, I think you were ready to have us
4 have a lunch break. It -- it would be good for us to fully
5 understand whether or not there's been spoliation of evidence
6 regarding this case, and we'd like to have some clarity
7 regarding that when we come back, if it's possible to get it.

8 JUDGE GEE: Mr. Frumkin?

9 MR. FRUMKIN: I -- I just wanted to add one part. I --
10 I -- I may be the one confused here, but I think Mads just
11 testified that they couldn't remember when they threw out the
12 notes.

13 JUDGE GEE: That is -- that's correct. That's --

14 MR. FRUMKIN: Right. So to -- to the point that it was a
15 little unclear Mr. Levine's question right now, it may be that
16 even if -- and I don't know what the General Counsel or
17 investigation turned up, but even if they knew about it, they
18 may not -- the notes already may not have existed at that point
19 in time.

20 JUDGE GEE: All right. That -- that's fine.

21 Let's go off record.

22 (Off the record at 1:23 p.m.)

23 JUDGE GEE: It is 2:16. We are back from an extended
24 break. Before we resume the testimony of this witness, are
25 there any other issues the parties wish to discuss before she

1 reenters the room?

2 MR. LEVINE: There are a few that I'd like to T-up, Your
3 Honor.

4 JUDGE GEE: Please.

5 MR. LEVINE: Thank you. First of all, do we have any news
6 regarding the -- the spoliation issue that we -- and again,
7 that's not an accusation. I'm just putting a label on it.

8 MS. PARKER: Thank you.

9 MR. LEVINE: Yeah, no, it's not -- it's not.

10 MS. PARKER: I don't like those words being thrown around.

11 MR. LEVINE: It's not. Do we have any news about that
12 particular issue?

13 MS. PARKER: Yes. Yes. So -- so we did, you know, we
14 confirmed, but -- so the Region's position and General
15 Counsel's position is that, you know -- that we -- we don't
16 have an obligation to disclose what's, you know, done within
17 our investigative files, but for these purposes, we -- we do
18 want to clarify that we did not ever possess, see, or were
19 aware of any notes during the investigation.

20 I think I've already made it clear, you know, during the
21 direct that at the point that I became aware of those notes, it
22 made clear -- it was made clear to me that they were no longer
23 in existence, so I -- you know, that's -- that's on the record.
24 But as far as the investigation, we were not aware of, did not
25 see and never possessed them. As far as the text messages,

1 have not at any point ever been aware of -- of the text
2 messages until earlier.

3 JUDGE GEE: Until today?

4 MS. PARKER: Until today.

5 JUDGE GEE: And I guess that would leave these TikTok
6 videos?

7 MS. PARKER: I had heard about it. I mean, it's -- I
8 heard about the TikTok videos, but I mean, I think that's a
9 publicly accessible document that they could obtain, so --

10 JUDGE GEE: I see.

11 MS. PARKER: -- I don't think that's the issue here.

12 MR. LEVINE: And so maybe it may require a little more
13 explanation, or I'm sorry, exploration.

14 By the way, thank you for that representation, which I
15 accept. I -- I fully accept.

16 The witness has -- has indicated in her -- today's
17 testimony that it was video, singular, TikTok, singular, I
18 think. I don't think They indicated TikTok, plural.

19 MS. PARKER: No, that's -- I -- I'm aware --

20 JUDGE GEE: I believe that's correct.

21 MS. PARKER: -- of the reference.

22 MR. LEVINE: Yeah.

23 MS. PARKER: Yeah.

24 MR. LEVINE: And -- and I'm aware of TikTok, plural. So
25 we're going to have to have some conversation about that.

1 I also can state -- I took the time, and I appreciated the
2 time, Your Honor, at the break to sort of consider what might
3 be at a -- a more efficient way to deal with the -- the
4 complications that we're -- we're having with my examination of
5 the witness. I'm -- one option that I have considered, in lieu
6 of a full cross-examination, is to have an understanding that
7 when this witness is recalled, they will be recalled as a
8 611(c) witness by us so that their -- their testimony will be
9 more in the nature of a cross than a direct. And so I think
10 that's -- I think that's probably going to be the most
11 efficient way to conclude the day more efficiently than we're
12 going right now.

13 So one of the -- one question that I had is, you know, how
14 are we going to address service of the subpoenas on the
15 witness? And so what I -- what I was thinking, because we
16 don't -- so far, we're -- we're not allowed to know where They
17 resides. We don't have They's address. It's not something
18 that needs to be shared on the record in any form or fashion.
19 If people are more comfortable just simply sharing it with me
20 with instructions that we're not going to, you know, share it
21 beyond those who actually need to know, we certainly can do
22 that because I appreciate, you know, the privacy of someone's
23 address.

24 Do we -- can we have an understanding with the witness
25 that they will be served by email? Can we get an email

1 address?

2 JUDGE GEE: We discussed that off record. We can -- we
3 can -- we can address that off record.

4 MR. LEVINE: Okay.

5 JUDGE GEE: But sure, that -- that sounds not unreasonable
6 to me.

7 MR. LEVINE: Okay. Okay. So -- so I -- I think what
8 my -- my inclination would be for, you know, I'll call it the
9 rest of the afternoon, would simply be to focus very
10 specifically on the affidavit that the witness has given and
11 ask some questions about that, ask a couple of questions from
12 my notes as They were testifying, and then I'll reserve the --
13 what I believe are the other relevant questions that you had
14 suggested would be more appropriate for my examination of this
15 witness, through a subpoena of my own. I'll reserve those if
16 that's an acceptable way to everybody of proceeding.

17 JUDGE GEE: Well, regarding the 611(c), I think there's
18 sufficient testimony thus far presented that she'd be an
19 accurate witness, so I would likely grant that. How do you
20 wish to -- how do you wish to proceed is, of course, your
21 choice. That makes sense to me. I -- I think that would be
22 efficient and would permit -- enable you to have a significant
23 stretch of time to develop the factual picture in a way that, I
24 believe, you find appropriate.

25 MR. LEVINE: Yes.

1 JUDGE GEE: So that -- that's fine for me with regard to
2 asking the witness questions about her affidavit, that --
3 that's fair.

4 Let me ask General Counsel's position on what we just
5 discussed.

6 MS. PARKER: That -- that sounds fine, Your Honor.

7 JUDGE GEE: No objection?

8 MS. PARKER: No objection.

9 JUDGE GEE: Okay. Mr. Frumkin?

10 MR. FRUMKIN: The Union has concerns about how information
11 will be transmitted regarding service -- service and process
12 when and if that comes, but as for the purpose of moving along
13 with cross, we're fine with the subjects Mr. Levine described.

14 JUDGE GEE: Well, all right. Then we'll go off record for
15 a few minutes. I want the parties just to sort this out now so
16 that Respondent isn't caught unaware of it and is unable to
17 serve its two subpoenas. So I -- I think five minutes
18 dedicated to this topic now will -- is prudent. So let's --
19 let's go off record, please.

20 (Off the record at 2:24 p.m.)

21 JUDGE GEE: We were -- we were off briefly to discuss a
22 number of preliminary matters. And why -- why don't I just
23 start with General Counsel?

24 Is there anything you wish to summarize at this point, or
25 should I go straight to Mr. Frumkin?

1 MS. PARKER: No, you can go to Mr. Frumkin.

2 JUDGE GEE: Okay. Mr. Frumkin?

3 MR. FRUMKIN: Thank you, Your Honor. To summarize our
4 off-the-record discussion, the Respondent expressed an interest
5 in serving a subpoena duces tecum. We discussed how to do so,
6 bearing in mind that it would not be taking place today. The
7 Union, and I -- I think also the counsel for General Counsel,
8 agreed that the Respondent may serve a subpoena duces tecum via
9 email on a one-time, nonprecedent-setting basis, solely for the
10 purpose of this case, this subpoena duces tecum, this witness,
11 and no other.

12 JUDGE GEE: And -- and to -- to the email address
13 that's -- that's in the affidavit?

14 MR. FRUMKIN: That's correct, Your Honor.

15 JUDGE GEE: Right. And of course -- of course, Respondent
16 is returning the affidavit to the General Counsel but may --
17 may jot down that --

18 MR. LEVINE: Let's --

19 JUDGE GEE: -- personal email address.

20 MR. LEVINE: Let's go ahead and do that. Do you mind?

21 UNIDENTIFIED SPEAKER: I already got it.

22 MR. LEVINE: Oh, you got it?

23 UNIDENTIFIED SPEAKER: Yeah.

24 MR. LEVINE: Thank you. All right. Perfect.

25 JUDGE GEE: All right. Mr. Levine?

1 MR. LEVINE: Yes. I think, Your Honor, just to recap
2 further what we discussed off the record, I believe we are
3 going to -- a few things -- number one, I'm going to -- in lieu
4 of what I have prepared as a full cross-examination, Respondent
5 will issue a subpoena duces -- or will serve a subpoena duces
6 tecum on Mx. Hall. Respondent has indicated its intention to
7 examine Mx. Hall as a 611(c) witness.

8 The return date, at the conclusion of today, will be March
9 13th through 15th. The parties are also -- actually,
10 Respondent counsel, myself, is looking to see if some
11 commitments the week of March 27th can be moved. And in any
12 event, the parties are to -- the parties have agreed to pencil
13 in the week of April 10th, with the idea and hope and effort
14 that the trial would be concluded by that time.

15 I -- I think it probably goes without saying, but I'll say
16 it anyway so it -- it's on the record. Respondent obviously in
17 no way, by, you know, agreeing to conduct its examination in
18 this manner waives its right to conduct a full examination of
19 the witness, number one. And number two, thank everybody for
20 their -- I thank everybody for their cooperation.

21 JUDGE GEE: Thank you, Mr. Levine.

22 And so -- so let me recap with regard to scheduling. For
23 March 13, 14, and 15, the parties will return on those dates.
24 Ideally, for the week of -- well, for the week of March 27th,
25 Mr. Levine has a pre-existing commitment; however, will be

1 looking into the possibility of forgoing those -- those
2 commitments, in which case we would return here in person the
3 week of March 27th. And then, if necessary, all parties are
4 available to reconvene the entire week of April 10th.

5 With that, I believe we have no other housekeeping
6 matters. And so I will ask Mr. Levine if he wishes to continue
7 his cross-examination of the witness.

8 MR. LEVINE: I do, Your Honor. Thank you.

9 **RESUMED CROSS-EXAMINATION**

10 Q BY MR. LEVINE: And Mx. Hall, thank you again for your
11 patience. I'm well aware that this is a long day for you, and
12 the coming and going, you know, can be a little frustrating
13 and -- and stressful. So thank you for hanging in there with
14 us.

15 I'm going to start by asking you a -- a couple of
16 questions about some of the things that you said in response to
17 questions that counsel for the General Counsel, Ms. Parker,
18 asked you. So that -- I'm going to start -- I'm going to start
19 there. And it -- it may simply be that I -- I misheard this,
20 and I apologize if I did.

21 I'm going to ask you -- let me back up before I get there.
22 I just wanted to ask one question about -- about social media,
23 before we -- we leave the issue of social media for the day.
24 Did you delete, deactivate, or make private any social media
25 accounts or platforms that contained information related to the

1 April 8th meeting?

2 A I deactivated a Twitter account.

3 Q Okay. Is that it?

4 A Yes.

5 Q And you deleted no other accounts?

6 A No.

7 Q And you deactivated no other accounts?

8 A No.

9 Q And you didn't make private -- because I under -- what I
10 understand, and I learned this during the break, is that you
11 can -- you can make some accounts that were able to be seen by
12 others private. You didn't do that?

13 A No.

14 Q Okay. And regarding TikTok, it's my understanding that
15 you made more than one TikTok regarding the meeting. Is that
16 true?

17 MR. FRUMKIN: May I object? I thought that the whole
18 point of our off-the-record was to move this to a later date.
19 This is outside the scope of cross-examination.

20 MR. LEVINE: It -- it -- it --

21 JUDGE GEE: Overruled.

22 Go ahead. Reask the question.

23 MR. LEVINE: And I'm almost done with this, so I just want
24 to make sure.

25 Q BY MR. LEVINE: Did you make more than one TikTok or just



1 one TikTok?

2 A It was one -- one filming. But because of the time limit
3 on TikToks, it was in two. So there's a part one and a part
4 two.

5 Q Got you. Thank you.

6 A Um-hum.

7 Q I'm not going to ask you any more questions about that, at
8 this time. I thought I heard you testify that the -- and
9 apologize -- your store number was what?

10 A 579.

11 Q 579? Was it your testimony that store 579 did in fact
12 unionize?

13 A No.

14 Q Okay. So there was an election, and the union was not
15 voted in?

16 A Correct. Yes.

17 Q Okay. And am I -- or are you familiar with the
18 terminology "Dear Kevin" letter or "Dear Howard" letter?

19 A Yes.

20 Q And how are you familiar with that terminology?

21 A It was a letter that stores wrote during the time that
22 they were filing a petition for an election. It was -- all of
23 the letters were posted on Twitter. And I also wrote one with
24 my coworkers for my store, when we filed our petition.

25 Q Okay. So -- and I'll just paraphrase. You -- you can



1 certainly correct me if I'm wrong. First of all, I'll ask,
2 when you refer to the -- the letter that you wrote with your
3 coworkers, was it a "Dear Howard" letter or a "Dear Kevin"
4 letter at that time?

5 MR. FRUMKIN: I'm going to object again. This is just
6 outside the scope of direct, pretty far.

7 MR. LEVINE: The --

8 JUDGE GEE: Go -- go ahead and ask the question.

9 MR. LEVINE: So --

10 JUDGE GEE: Overruled.

11 MR. LEVINE: Okay. Thank you, Your Honor.

12 Q BY MR. LEVINE: Do you want me to repeat the question?

13 A It was "Dear Howard".

14 Q "Dear Howard", okay. And am I correct that a -- a "Dear
15 Howard" letter was the letter that was used to notify the
16 company that the -- the partners who signed it wanted to have a
17 union?

18 A Yes.

19 Q Okay. And am I correct that attached to that letter would
20 be a demand to sign fair election principles?

21 A I am unsure what was in the letter. It's been a while
22 since I've read it.

23 Q Okay. So -- so as you sit here today, you don't recall
24 if -- and I don't know how -- I don't know the administration
25 of it. This isn't something you send directly; it's something

1 that Workers United sends on your behalf?

2 A It is something that is just posted on social media.

3 Q Oh, so it's not actually given to the company?

4 A Not that I'm aware of.

5 Q Okay. Got you. And this was something that occurred
6 after the April 8th meeting?

7 A Yes.

8 Q And the election was after the April 8th meeting?

9 A Yes.

10 Q Okay. I should probably hand you, if it's okay, your
11 affidavit, because I'm going to ask you some questions about
12 it.

13 JUDGE GEE: Let the record reflect that Mr. Levine is
14 handing the witness a copy of her (sic) affidavit.

15 MR. LEVINE: And I have -- so the record reflects, Your
16 Honor, I have underlined some things. It's my underlining. I
17 haven't written anything, other than just sort of underlining
18 areas that I wanted to remind myself to address.

19 Q BY MR. LEVINE: Is it -- am I correct that the -- the
20 petition for an election at the 2nd & Covina store -- and is
21 that also known as Belmont?

22 A Belmont Shore is the neighborhood that it is in.

23 Q Okay. Was that filed on April 11th?

24 A Yes.

25 Q Okay. And I think in your -- and forgive me again if

1 I'm -- I'm not remembering this correctly, but I wrote it down.
2 I believe you testified about an awareness regarding the
3 Buffalo union campaign. Do you recall that?

4 A Yes.

5 Q And do you recall when you became aware and how you became
6 aware of the Buffalo campaign?

7 MR. FRUMKIN: Objection. Relevance.

8 JUDGE GEE: Well, this was -- this was asked on direct, so
9 I'm going to permit it.

10 A I became aware of it in the fall of 2021 -- sometime in
11 the fall. And I saw it on social media.

12 Q BY MR. LEVINE: Okay. Thank you. And you, I believe --

13 MR. LEVINE: Strike that.

14 Q BY MR. LEVINE: I believe you testified that -- and I'm
15 trying to remember the name. Who -- who was the person that
16 first invited you to the meeting?

17 MR. FRUMKIN: Objection. That -- oh, oh, I'm sorry.

18 The meeting, you mean --

19 MR. LEVINE: Yeah, I'm sorry.

20 MR. FRUMKIN: -- on April 8th?

21 MR. LEVINE: Yeah, I'm sorry. That's --

22 MR. FRUMKIN: Okay.

23 MR. LEVINE: Yeah.

24 MR. FRUMKIN: That's not where I was going.

25 MR. LEVINE: I'm sorry. The -- the April 8th meeting.

1 Unless I say otherwise, when I use the term "meeting", I'm
2 referring to the April 8th meeting.

3 A My store manager, Natalie Ruiz.

4 Q BY MR. LEVINE: And I -- I believe your affidavit, on page
5 2, lines 1 through 3, indicates that the initial outreach by
6 Ms. Ruiz to you was by text message; is that accurate?

7 A Yes.

8 Q And did you retain or delete that text message?

9 A I'm unsure.

10 Q Okay. Fair enough. Do you have your phone with you
11 today?

12 A Yes.

13 Q And is the phone you have with you today one that would
14 contain the text message, if it existed?

15 A Yes.

16 Q And would you mind just checking your phone, to see if the
17 text message --

18 MR. FRUMKIN: I'm --

19 Q BY MR. LEVINE: -- still exists?

20 MR. FRUMKIN: I'm going to object because no subpoena
21 duces tecum has been propounded yet.

22 JUDGE GEE: Well, let me -- let me just ask. What's the
23 relevance of this question?

24 MR. LEVINE: Well, you may have to ask the General
25 Counsel, because the General Counsel went into testimony on

1 direct as to how this person came to be invited to the meeting.
2 If the -- you know, if the General Counsel wants to strike
3 various portions of direct examination that were gone into, we
4 can sort of revisit that issue. But I'm assuming, maybe
5 incorrectly, that, if it was brought up on direct, General
6 Counsel attached some significance to it.

7 JUDGE GEE: I just don't happen to remember that question
8 and answer.

9 General Counsel, would you confirm for me whether or not
10 that's true?

11 MS. PARKER: I -- I did ask Mads about the invitation --

12 MR. LEVINE: The -- the process by which --

13 MS. PARKER: -- to establish the invitation and how Mads
14 came to be invited, as that was appropriate background
15 information for the meeting.

16 JUDGE GEE: I see.

17 I -- I apologize, Mr. Levine. Go ahead.

18 MR. LEVINE: No. No worries.

19 Q BY MR. LEVINE: Mx. Hall, do you want me to ask the
20 question --

21 MR. LEVINE: Well, the -- the question on the table, Your
22 Honor, was whether or not Mx. Hall could check Mx. Hall's
23 phone, to see if the text message is retained, if that's
24 something that we need to deal with. Mr. Frumkin objected on
25 the grounds that there had been no subpoena duces tecum, at

1 this point, for the phone. If we need to wait until then,
2 that's fine, as long as the witness is instructed not to delete
3 anything related to April 8th from Mx. Hall's phone.

4 JUDGE GEE: Okay. Go ahead and answer the question, if
5 you can.

6 THE WITNESS: What was the question, exactly?

7 JUDGE GEE: Well, are you -- I believe it is, are you
8 able, at this point, to locate the text exchange between you
9 and Ms. Ruiz, in which the invitation to you was extended?

10 THE WITNESS: I can type her name into the search on my
11 texts and see if it comes up. And if it comes up, that means I
12 didn't delete it.

13 MR. LEVINE: Would it be okay if the witness did that?

14 JUDGE GEE: That -- that's fine by me, if -- if you'd be
15 so kind.

16 THE WITNESS: Yeah. Yeah, I'm really not sure if I kept
17 it or not.

18 Yeah, I have it.

19 Q BY MR. LEVINE: Okay. So -- so we're going to do a couple
20 things here. We're going to ask that you not delete it,
21 because you'll be -- you'll be coming back, we believe, to
22 testify in the future. Number two, are you able to read into
23 the record -- well, we'll probably need to get a copy of it.
24 But can you read into the record what it -- the -- the exchange
25 that you had with Ms. Ruiz about the meeting?

1 MR. FRUMKIN: I'm going to object again, on -- on the
2 grounds that no subpoena has been propounded. And it may
3 well -- if a subpoena duces tecum were issued, we would object
4 on the basis that this may already be in the possession of the
5 Employer.

6 MR. LEVINE: It's -- it's -- it's my understanding that
7 Ms. Ruiz doesn't work for us anymore.

8 Does she?

9 MS. HAIMOUT: That's correct.

10 MR. LEVINE: Yeah.

11 JUDGE GEE: Well, go ahead and -- and -- and read that
12 text, if you -- if you would be so kind.

13 THE WITNESS: "Hey, Mads. I was wondering if you had time
14 tonight or tomorrow morning to chat about a potential
15 opportunity for you."

16 JUDGE GEE: And is there a reply by you?

17 THE WITNESS: I said, "Yes, I have time tonight. You can
18 call me at 7:30."

19 JUDGE GEE: All right. Is that the end of the exchange?

20 THE WITNESS: She said, "Okay, thanks. Talk to you then."

21 JUDGE GEE: All right. And that's the exchange --

22 THE WITNESS: Um-hum.

23 JUDGE GEE: -- the conclusion?

24 THE WITNESS: Yes.

25 JUDGE GEE: All right.

1 Q BY MR. LEVINE: Were there -- were there subsequent text
2 messages with you and Ms. Ruiz, regarding the April 8th
3 meeting?

4 A Yes.

5 Q Okay. Would -- would you -- would you mind reading those
6 into the record?

7 JUDGE GEE: Well, let me ask you this. How many other
8 text exchanges between you and Ms. Ruiz about the -- the April
9 8th meeting?

10 THE WITNESS: Three text messages from her and two from
11 me.

12 JUDGE GEE: All right. Would you go ahead and read those,
13 please?

14 THE WITNESS: On Wednesday, April 6th, she said, "Hi,
15 Mads. The event on Friday has updated time of 12 to 3 p.m.
16 Your time there and transportation is paid. Does this still
17 work for you?" I said, "Yes. The location will be announced
18 the day of?" And I said, "Will there be press or video taken
19 of the event?" And she said, "We will have the location for
20 you tomorrow, and no, there will be no press or filming." And
21 I said, "Sounds good."

22 JUDGE GEE: All right. And that's the extent of the
23 communication between you and Ms. Ruiz about the April 8th
24 meeting?

25 THE WITNESS: And then, on April 7th, she said, "Shannon

1 will drop off the invitation later today, during your shift."

2 JUDGE GEE: Okay. Did you reply to that?

3 THE WITNESS: No.

4 JUDGE GEE: All right. And that concludes it?

5 THE WITNESS: Yes.

6 JUDGE GEE: All right. Thank you.

7 Go ahead.

8 Q BY MR. LEVINE: Perf -- perfect. Thank you. The -- it's
9 my understanding from your testimony that in fact Ms. Ruiz
10 contacted you at the appointed time -- I think roughly 7:30
11 p.m.?

12 A Yes.

13 Q Okay. And did you -- did you take any notes of that call
14 or recordings of that call?

15 A No, I didn't.

16 Q Okay. Thank you. Now, am I -- did I hear you correctly
17 during your examination that you defined senior-level
18 management as any level above store manager?

19 A Yes.

20 Q Okay. And I believe, in your affidavit -- because you
21 were -- I think you were sort of searching your recollection
22 for names of individuals that were present. And I noticed that
23 you -- you identified three names and maybe one that you
24 thought was there but maybe not there. Do you kind of recall
25 that from your affidavit?

- 1 A I'm not -- I -- I don't recall.
- 2 Q Okay. Do you recall the name Greg Budzak?
- 3 A Yes.
- 4 Q And was Mr. Budzak present?
- 5 A Yes.
- 6 Q Okay. And do you recall the name Shannon Dalton?
- 7 A Yes.
- 8 Q And was Shannon Dalton present?
- 9 A No.
- 10 Q Okay. And -- and by the way, Shannon Dalton -- what
- 11 position did she occupy, if you know?
- 12 A District manager.
- 13 Q Okay. And Greg Budzak was the --
- 14 A Regional, I -- he -- he held a regional position of some
- 15 sort.
- 16 Q Regional vice president?
- 17 A That sounds right, yes.
- 18 Q Okay. You can check your affidavit. His name appears
- 19 there --
- 20 A Oh.
- 21 Q -- if you want to take a moment --
- 22 A Okay.
- 23 Q -- to review your affidavit, just to refresh your
- 24 recollection. It's on page 5.
- 25 And you can let us know when you've had an opportunity to

1 confirm that.

2 A Okay.

3 Q Okay. So am I correct -- in your affidavit, you
4 identified Shannon Moy (sic) as a district manager from the
5 Long Beach area?

6 A Yes.

7 Q And you identified Greg -- Greg Budzak as a regional vice
8 president?

9 A Yes.

10 Q And you identified someone named Gina Sterling as a
11 regional director?

12 A Yes.

13 Q And you believe that all three were present?

14 A Yes.

15 Q Okay.

16 JUDGE GEE: All right. Let -- let me clarify something.
17 I thought I earlier heard the name Shannon Dalton. Is that the
18 same person as Shannon Moy?

19 MR. LEVINE: No. I'm sorry, Your Honor.

20 JUDGE GEE: So I have four individuals -- Greg Budzak,
21 Shannon Dalton, Shannon Moy, and Gina Sterling?

22 MR. LEVINE: Oh, I'm sorry. It's Sharon -- Sharon Moy.

23 JUDGE GEE: Okay.

24 MR. LEVINE: That was my mistake, Your Honor. I think the
25 affidavit might say Shannon, but I think the name is Sharon.

1 THE WITNESS: It does say Sharon, yes. Shannon Dalton is
2 my -- was my district manager. She did not attend the meeting.

3 JUDGE GEE: Oh, not there. I see. But -- but Sharon Moy
4 was?

5 THE WITNESS: Yes.

6 JUDGE GEE: I see. Okay.

7 Go ahead.

8 MR. LEVINE: Thank you, Your Honor.

9 Q BY MR. LEVINE: And I believe, Mx. Hall, that you had
10 testified that a diversity, equity, and inclusion officer was
11 present?

12 A Yes.

13 Q Does the name Camille Hymes ring a bell? Does that
14 refresh your recollection, regarding that individual?

15 A I do recognize that name, yes.

16 Q Okay. And is that the person who you believe was the
17 diversity, equity, and inclusion officer?

18 A Yes.

19 Q Okay, thank you. And is the name Nikki Cicerani familiar
20 to you?

21 A Yes. Was that the facilitator?

22 Q Yes. Is that who you recall -- is that -- is that the
23 name of the facilitator --

24 A I --

25 Q -- you recall?

1 A I can't say for sure, but that name does sound familiar.

2 Q Okay, thank you. Now, you testified during your direct
3 examination that, when you spoke -- I -- I believe -- and
4 please correct me if I'm wrong -- when you spoke with Ms.
5 Dalton on or about April 7th about the invitation you were
6 being extended to participate in the meeting -- and this is at
7 page 3, lines 12 through 14 of your affidavit, and I'm -- I'm
8 paraphrasing a bit here. I'll ask you to read your exact
9 words. She said you had been picked because this was about
10 voicing ideas, and you were the best person to do that. Do
11 you -- do you see page 3, lines 12 through 14, or thereabout?

12 A Yes.

13 Q Okay. If you would review that for a moment, just to see
14 if it refreshes your recollection about how she articulated the
15 reason that she picked you or you were picked -- I -- either
16 way.

17 I'm sorry. Is it -- is your recollection refreshed about
18 what she actually said?

19 A Yes.

20 Q Can you tell us what she actually said?

21 MR. FRUMKIN: Objection. Hearsay.

22 JUDGE GEE: Over -- overruled.

23 This is -- this is what -- in -- in anticipation of the
24 April 8th meeting?

25 MR. LEVINE: Yes. This is the invitation to the April 8th

1 meeting that counsel for the General Counsel asked about.

2 JUDGE GEE: This is for the -- the telephone call?

3 MR. LEVINE: Yes.

4 JUDGE GEE: I see.

5 MR. LEVINE: Yeah.

6 JUDGE GEE: Go ahead and answer the question, if you still
7 remember it.

8 A What I'm reading here, what you had me review, was when my
9 district manager gave me the invitation, not the phone call.

10 Q BY MR. LEVINE: I'm sorry. And your district manager was
11 who, again?

12 A Shannon Dalton.

13 Q Okay. And what did Shannon Dalton say -- and this was a
14 follow-up shortly before the meeting?

15 A Yes. This was when I received the invitation.

16 Q Okay. The -- the physical invitation that's in --

17 A Yes, the physical invitation.

18 Q Okay, thank you. And what is it that Ms. Dalton said to
19 you?

20 A She said that my manager hand-picked me because she
21 thought that I would be the best person for this and that it
22 was an honor, and she told me that she was jealous.

23 Q There -- I must be missing something, because there is
24 something in your affidavit that I wrote down that someone said
25 that you're -- you're good at voicing ideas.

1 A Yes. My store manager said something to that effect on
2 the phone call.

3 On page 2, line 21 and 22.

4 Q Thank you. And what -- and -- and what is it that your
5 store manager said to you on the call about you being good at
6 voicing your ideas?

7 A That she thinks I'm outspoken and would be a good person
8 for this.

9 Q Okay. Was there -- and again, forgive me. Maybe I'll
10 have to retrieve the affidavit back and find it. But there --
11 I wrote down in -- in my notes, "the best person for this".
12 Someone said you were "the best person for this", and those are
13 the words you used in your affidavit.

14 A Yes.

15 Q And where -- where is that in your affidavit, if you're
16 looking at it? And I apologize for not knowing. I thought I
17 wrote down the exact line -- page 3, 12 through 14. But I was
18 doing a lot, so I was trying to rush through it.

19 A My district manager said -- when she handed me the
20 invitation, she said that my manager had hand-picked me because
21 she thought I would be the best person for this and that it was
22 an honor, and she told me that she was jealous.

23 Q Got you.

24 MS. PARKER: Your Honor, I'm -- I'm just going to note my
25 objection as to the method of the use of the affidavit. I

1 mean, it hasn't been established that --

2 JUDGE GEE: Yeah. Since --

3 MS. PARKER: -- that the -- the -- they have forgotten
4 anything, and there's just this --

5 JUDGE GEE: That -- that's right.

6 Mr. Levine, we -- we started with it refreshing a
7 recollection, and we -- we kind of went down this slippery
8 slope of just having the witness view the affidavit that's in
9 front of her. It's probably best at this point for -- for you
10 to take the affidavit back and just --

11 MR. LEVINE: Thank you. I'll --

12 JUDGE GEE: -- conduct examination.

13 MR. LEVINE: I'll do that, Your Honor. Thank you.

14 Q BY MR. LEVINE: Thank you, Mx. Hall.

15 Was --

16 MR. LEVINE: Strike that.

17 Q BY MR. LEVINE: You had indicated during your examination,
18 I think -- I wrote this down -- that you -- based on some
19 information that you viewed or saw or heard, prior to --
20 perhaps prior to being invited, that you had an awareness that
21 Mr. Schultz was -- I think your words, in quotes -- "out on a
22 listening tour"?

23 A Yes.

24 Q Is that -- did I write that down correctly?

25 A Yes.

1 Q Okay. And this -- your awareness, as I understood your
2 testimony -- in fact, I -- I put this down in quotes -- "I was
3 aware that he was on tour and planned a meeting with partners
4 across the country" -- do you recall that?

5 A Yes.

6 Q Okay. And your awareness of this came from -- I -- these
7 will be my words -- I'm going to refer to it -- from the April
8 4th video?

9 A Yes.

10 Q Is that right? And so am I correct that you, in watching
11 the Ap -- and by the way, it's my understanding that you've
12 viewed the April -- did you --

13 MR. LEVINE: Strike that. Sorry. I stopped myself from
14 asking a bad question.

15 Q BY MR. LEVINE: The April 4th video that you viewed -- and
16 I think you might have said you -- you viewed it either online
17 and/or at the store; is that right?

18 A Yes.

19 Q Okay. Did you -- did you get to see it in full?

20 A Yes.

21 Q Okay. So the video that you saw on April 8th was the same
22 video you saw on April 4th?

23 A Yes.

24 Q Got you. And --

25 A Well, I -- sorry. It -- I'm not sure that it was actually

1 on April 4th that I watched the video.

2 Q I see. It --

3 A It was sometime between April 4th and April 8th.

4 Q Okay. Fair enough. And so am I correct -- I thought I
5 heard you say this during your testimony, but correct me if I'm
6 wrong -- that you were aware that there had been other cities
7 that Mr. Schultz had visited, again, using your words in
8 quotes, for this listening tour, prior to the Long Beach
9 meeting?

10 A What was the question exactly?

11 Q I'm sorry. It was a terrible question. You -- you were
12 aware, from the information that you had seen on social media
13 or in other locations, number one, that on his first day back,
14 Mr. Schultz made a commitment that he was going to go out and
15 visit partners in certain markets to listen to what they had to
16 say?

17 A Yes.

18 Q Okay. And then you became aware, sometime after April 4th
19 but before April 8th, that in fact he had kept that commitment?

20 A Yes.

21 Q Okay. And so you were aware, prior to April 8th, that he
22 had made some stops before Long Beach?

23 A I -- I have to say it was speculation. The -- I saw one
24 post that I believe was either on the Starbucks Stories
25 Instagram or on Howard Schultz's Instagram. And it was a post

1 about him visiting -- I think it was Arizona. And so I put it
2 together. There was a picture of him with partners. And so
3 then, with my invitation to the meeting, I kind of put two and
4 two together, and I came to the conclusion that he would --
5 that that's probably the same event that I was going to be
6 attending the next day.

7 Q Thank you. And I -- I wrote down -- and so I think this
8 is what you're alluding to. I wrote down that you saw -- again
9 I -- this is just what I wrote down. You saw on the internet,
10 two days prior, a picture on Instagram from -- and I put this
11 in quotes -- from the listening sessions. Is that what you
12 saw?

13 A Yes.

14 Q Okay. Is there a reason why you put, in your affidavit,
15 "listening sessions" in quotes?

16 MR. FRUMKIN: Objection. I don't believe that -- I think
17 it misstates the prior testimony. I don't think that Mads put
18 that in quotes.

19 I think you're referring to your own word product.

20 JUDGE GEE: Do you recall, in your affidavit, referring to
21 the words "listening sessions" -- putting that in quotation
22 marks?

23 THE WITNESS: I don't recall.

24 JUDGE GEE: All right. Do you want to refresh the
25 witness' recollection?

1 MR. LEVINE: Sure.

2 JUDGE GEE: And then you can just show it to the witness,
3 have her look at it, and take the affidavit back.

4 MR. LEVINE: I will absolutely do that, Your Honor. Thank
5 you.

6 Q BY MR. LEVINE: Mx. Hall, I am showing your -- your
7 affidavit. I'm going to hand you your affidavit again, and
8 just I'll direct your attention to line 1 of page 4 and ask you
9 if that refreshes your recollection about the use of the term
10 "listening session".

11 A I -- I see it here. I don't recall doing it.

12 JUDGE GEE: Let me have you hand the affidavit back to
13 counsel.

14 Q BY MR. LEVINE: "Listening session" is the terminology
15 that Starbucks uses from time to time, in your experience,
16 right?

17 A That was the first time I had heard it, yes.

18 Q Okay. The -- at the -- at some point at the April 8th
19 meeting, was there something called a coffee tasting?

20 A Yes.

21 Q Is -- is a coffee tasting a thing at Starbucks?

22 A Yes. That was the first time I had ever participated in
23 one, but yes.

24 Q Okay. What is a coffee tasting? Well, what was the
25 coffee tasting, other than I -- I'm going to imagine you had

1 some coffee. What is it?

2 A We get a little cup of coffee. And it's similar to a wine
3 tasting, where you smell it, and you describe what you're
4 smelling. And then you taste it, and then you describe what
5 you're tasting.

6 Q Got you. And are you able to tell me when, in relation
7 to -- and this is at the April 8th meeting -- when, in relation
8 to the video being shown, was the coffee tasting?

9 A Yes. I -- I believe it was after the video. I am not
10 positive though.

11 Q Okay. Do you have any recollection as to whether or not
12 Mr. Schultz was present at the coffee tasting?

13 A I am not sure. I -- I -- from my memory, I think that
14 might have been what they were doing be -- before he came in,
15 to kill some time. But I -- I'm not sure.

16 Q Thank you. Now, I believe I read or maybe heard you
17 testify -- and I'll -- again, forgive me -- that on April 8th,
18 approximately one hour before the meeting, you received another
19 text from Ms. Ruiz. Do you recall that?

20 A Yes. I do.

21 Q Okay. And in -- in this text -- and by the way, did -- do
22 you still have this text?

23 A Yes. It's in the -- it -- it's under the thread,
24 probably. I just didn't see it.

25 Q Okay. So there -- so there are other texts that are in

1 the thread that you read earlier?

2 A I worked for Ms. Ruiz for a year, so there's a year worth
3 of correspondence there.

4 Q Well, I'm not going to ask you about a year's worth of
5 texts. I'm only going to --

6 A Yeah.

7 Q -- for a moment, ask you about April 8th. Did she tell
8 you that she was very excited for you?

9 A Yes.

10 MR. FRUMKIN: Objection.

11 JUDGE GEE: What's the objection?

12 MR. FRUMKIN: The objection is relevance. We have strayed
13 beyond the invitation, which counsel for General Counsel did
14 ask about, and now we're just talking about general
15 correspondence.

16 JUDGE GEE: I'm going to overrule that.

17 Q BY MR. LEVINE: Would you -- would you agree with me that
18 she said she was very excited for you?

19 A Yes.

20 Q Okay. And did you respond to her text, do you know?

21 A I don't recall.

22 Q Okay. The -- I believe you testified that the group of
23 invited guests to the meeting included a mix of baristas, shift
24 supervisors, and then the senior management that you described;
25 is that right?

1 A Yes.

2 Q Okay. And I think you were -- you were trying to
3 recollect a couple of people who you either recognized or knew
4 in advance? Do you recall that?

5 A Yes.

6 Q And I -- I saw, in reading your affidavit -- and maybe
7 this will refresh you -- do you recall the name Tiffany Stern
8 (phonetic throughout)?

9 A Yes.

10 Q And was Tiffany Stern the individual from the drive-thru
11 that you were referring to?

12 A Yes.

13 Q Okay. And then, with regard to the individual that picked
14 up a shift, Keeshawn (phonetic throughout) --

15 A Um-hum.

16 Q -- is the --

17 A Yes.

18 Q -- is the name, but no last name that you recall?

19 A No last name that I recall.

20 Q Got you. Thank you. The -- in your affidavit, do you
21 recall using the term "open forum"?

22 A I don't recall.

23 Q Okay. Let me see if I can't refresh your recollection.
24 I'm going to hand you back your affidavit. This is page 6,
25 line 4. And I'll just ask you to -- why don't you just read

1 the paragraph? Read line -- line 3 through 7, just for a
2 minute.

3 A "The first thing we did at" --

4 JUDGE GEE: Oh.

5 Q BY MR. LEVINE: Oh, no.

6 JUDGE GEE: To -- to yourself.

7 Q BY MR. LEVINE: No, you can just read it to yourself.

8 A Oh.

9 Q I'm sorry.

10 A Okay.

11 Q Yeah.

12 Do you remember using the terminology "open forum", in
13 quotes, in your affidavit?

14 A Yes.

15 Q Okay. And so you described the April 4th -- I'm going to
16 call it -- I'm going to use your words from the affidavit --
17 the speech he gave during an open forum on or about April 4th.
18 You're referring to the -- the video of April 4th?

19 A Yes.

20 Q And that that was done at an open forum?

21 A Yes.

22 Q And why did you use the terminology "open forum"?

23 A I am not sure. I defi -- I have heard it somewhere.

24 Q Okay.

25 A But I'm not sure.

1 Q Okay. And "open forum" is terminology that Starbucks
2 uses, in your experience?

3 A Yes, Starbucks used the -- that terminology, I think, to
4 describe what Howard Schultz did on April 4th.

5 Q But that wasn't the first time you heard the word "open
6 forum" at Starbucks?

7 A I can't say. I'm not sure.

8 Q Well, let me see if I can't test that for a second.

9 A Okay.

10 Q You -- if I understand correctly, once you became aware of
11 the Buffalo store election or organizing, you began to follow
12 more closely the activities of Workers United?

13 MR. FRUMKIN: Objection. Relevance.

14 JUDGE GEE: Overruled.

15 Go ahead.

16 Q BY MR. LEVINE: Is that right?

17 A Yes.

18 Q And if I'm -- again, if I'm not mistaken, you began to
19 follow unfair labor practice charges that were being filed
20 against Starbucks; is that right?

21 A Yes. And I -- I don't know -- "following" -- can you
22 elaborate on what you mean by "following"?

23 Q Well, sure. This was a topic that you had become
24 interested in; is that right?

25 A Yes.

1 Q And -- and your interest in that included communicating on
2 social media or reviewing social media or doing other research
3 about these issues; is that right?

4 A Yes.

5 Q Okay. And -- and you understand that a charge itself is
6 not a finding of any kind; it's just a charge?

7 MR. FRUMKIN: Objection. Relevance and outside the scope.

8 MR. LEVINE: Well --

9 JUDGE GEE: Well, let me -- let me rule on this again. It
10 sounds to me like you're -- you're asking the witness to
11 comment on a legal standard or a legal issue. Why don't you
12 just ask her if she knows?

13 MR. LEVINE: Yeah.

14 Q BY MR. LEVINE: Do you know if an unfair labor practice
15 charge is itself a finding of wrongdoing?

16 A Can you rephrase that?

17 Q Sure. Let me -- let me -- let me ask you it this way. Do
18 you understand the difference between the word "allegation" and
19 the word "guilty verdict"?

20 A Yes.

21 Q Okay. Do you understand that an allegation is an unproven
22 claim?

23 A Yes.

24 Q And you understand that a -- a -- a guilty verdict, in the
25 criminal justice system, is a finding that someone actually did

1 something wrong?

2 A Yes.

3 Q Okay. And so you under -- I'm asking you if you
4 understand that an unfair labor practice charge itself is just
5 an allegation?

6 A Yes.

7 Q So what I was asking you is, as -- as you were following
8 these things, did you also follow what allegations were being
9 made? And -- and the reason why I'm asking is just to see if
10 that's where you might have picked up on some of the
11 terminology that was being used -- "open forum", "listening
12 session" -- there -- there -- there are a bunch that I know of.
13 But is that where you started to pick up on the terminology?

14 A I'm not sure.

15 Q Okay. Thank you. You had given some testimony on your
16 direct examination regarding different reactions that people
17 had to Howard appearing at the April 8th meeting. Do you
18 recall that?

19 A Yes.

20 Q Okay. And do you recall making that part of your
21 affidavit?

22 A Yes.

23 Q And do you recall basically not having much of a reaction
24 of your own, because you anticipated that he would be there?

25 A Yes.

1 Q Okay. Now, I'm trying to get a -- a -- a sense of -- of
2 the room. You had indicated in your testimony that you were
3 sitting in a semicircle at some point. And how many feet --
4 when -- when Mr. Schultz sat down, how many feet away was he
5 from you?

6 A Maybe, like, five feet.

7 Q Did that -- did that vary at different times during the
8 meeting, as people were moving around their seats and stuff
9 like that? I -- we had --

10 MR. LEVINE: Did we watch the video yesterday?

11 Q BY MR. LEVINE: I think we watched a video yesterday -- a
12 video piece. It looked -- it looked to me, just as a -- as an
13 observer -- I'm not saying you're right or wrong -- it just
14 looked at me --

15 MR. FRUMKIN: I'm going to object, to the extent that it
16 sounds like Mr. Levine's about to testify. I think we can ask
17 this question --

18 JUDGE GEE: Well --

19 MR. FRUMKIN: -- in an open-ended way.

20 JUDGE GEE: -- I mean, he's permitted to lead the witness.
21 So go ahead.

22 Q BY MR. LEVINE: It appeared to me that there -- at least
23 in the video that I observed, that he was substantially farther
24 away from you than five feet, at the particular time. And so
25 did it change from time to time?

1 A Yes. We started in a circle, where we did the first
2 activities. And then, when we moved our chairs to the front of
3 the room, we just ended up farther away from each other. When
4 he first came in the room, he sat two chairs down from me.

5 Q Okay. And when the -- you had given some testimony about
6 a -- a -- an exchange that you and Mr. Schultz were having
7 about -- you had initiated some conversation with him about
8 unfair labor practices. And so at that -- I'm asking you, when
9 you initiated that conversation, how far away from you was he?
10 Was that when he was farther away or just one seat over?

11 A That was when he was farther away.

12 Q Okay. Got you. And I also heard, at various times during
13 your testimony, your description of where the other senior
14 leaders were. And you -- the terminology that jumped out at me
15 from your affidavit was "in the corner of the room". Were they
16 in a corner of the room?

17 A The -- the room --

18 JUDGE GEE: Okay. Actually, let me have you pause.

19 I think the witness said "corner of the room" at -- at the
20 start of the meeting. Is there a particular time of the
21 meeting for which you want to ask that specific question?

22 MR. LEVINE: There's no -- I would love a specific time.

23 I -- I'm just -- in the affidavit, it used it as sort of a
24 general statement -- they were in the corner of the room.

25 JUDGE GEE: I see.

1 MR. LEVINE: Let me go back and find that entry, Your
2 Honor. Page 7, line 6.

3 Okay. So -- so maybe this marks it. And is it okay if I
4 read this, or should I have the witness go ahead and look at it
5 and then testify?

6 JUDGE GEE: Oh, why don't you refresh recollection?

7 MR. LEVINE: Okay.

8 JUDGE GEE: Well, let's -- well, why don't you ask the
9 question to see if the witness recalls?

10 MR. LEVINE: Okay.

11 Q BY MR. LEVINE: Do you -- do you recall the point in time
12 in the meeting where the senior leaders were in the corner?

13 A Yes.

14 Q Okay. But what -- and what part of the meeting was that?

15 A They -- from my recollection, they were in the corner of
16 the room for most of the meeting where Howard Schultz was --
17 where Howard Schultz was there. Can I --

18 THE WITNESS: Your Honor, can I explain the -- the layout
19 of the room?

20 JUDGE GEE: Please.

21 THE WITNESS: So when you walked in the room, it was kind
22 of like longer, and then it had, like -- like, a T, like, kind
23 of going this way. And they were kind of like sitting over
24 here in that area. So like, the circle, and like, Howard
25 Schultz, and the facilitator were, like, more in, like, the

1 center of the room. And the other em -- the upper-level
2 management people were more off to the side.

3 Q BY MR. LEVINE: And do -- can you recall -- I know it's
4 difficult -- but a rough distance from the semicircle to the
5 corner that you're describing?

6 A 20 feet.

7 Q Okay. Now, I -- you had given some testimony on direct
8 regarding introductions that those who were invited to attend
9 gave at -- you know, at or near the outset of the meeting. Do
10 you recall that?

11 A Yes.

12 Q And I -- I think you gave -- you might have given some
13 testimony about the type of information that you give when
14 you're doing an introduction. And I believe everybody stated
15 what their tenure with Starbucks was; is that right?

16 A Yes.

17 Q And do you recall the majority of individual baristas and
18 shift supervisors that were also there were individuals who had
19 actually been there since the time that Mr. Schultz was CEO,
20 before he returned on April 4th?

21 A Yes. It stood out to me that there were not very many
22 people there that had not worked under Howard Schultz.

23 Q Okay. So there were -- you -- what your recollection
24 is -- is that -- is that the majority of the -- the partners
25 there were very tenured?

1 A Yes.

2 Q Okay. But they were still baristas and shift supervisors;
3 they'd just been there a while?

4 A Yes.

5 Q Got you.

6 You had indicated in your -- I think, in your direct
7 testimony, that one of the topics that was discussed at least
8 in the semicircle -- let me back up for a second. The -- the
9 semicircle activity was where you all reviewed and reacted to
10 the playback poster on the floor?

11 A Yes.

12 Q Okay. Did -- was -- are you familiar with the word
13 "playback" at Starbucks?

14 A Only from the meeting that I'm aware of.

15 Q And what -- what was -- was the terminology "playback"
16 explained to you at the meeting?

17 A Not that I recall.

18 Q Okay. You just recall the word being used?

19 A Yes. It is at the top of the poster.

20 Q Okay. Fair enough. Do you recall there being a
21 discussion of where these statements on the playback poster
22 came from, but you simply don't recall what it was?

23 A Can you repeat that?

24 Q Yeah. So -- so you had testified that you -- you didn't
25 really know where the statements on the playback poster came

1 from. You surmised that they might have come from surveys.

2 And what I was asking you was, do you recall there being an
3 explanation of the word "playback" and where these statements
4 came from, but just not recall specifically what was said?

5 A No, I don't recall it being addressed.

6 Q Okay. One of the topics that you testified was discussed,
7 I believe, in the semicircle, was security -- safety? Do you
8 recall that?

9 A Yes.

10 Q Okay. And I think you testified that someone -- and maybe
11 perhaps Ms. Cicerani -- said something about maybe security
12 guards are needed?

13 A Yes.

14 Q Do you recall that? And do you recall that not being a --
15 sort of a satisfactory idea --

16 A Yes.

17 Q -- to you?

18 A Yes.

19 Q Yes. Because some stores already had security guards --
20 is that right?

21 A Yes.

22 Q So that was sort of old news to you, right?

23 A I actually didn't know that other stores had security
24 guards until other people in the meeting mentioned it.

25 Q Got you. And you, I belie -- I believe you said during

1 your testimony that, you know, one of your -- one of your
2 thoughts about all this -- and these are -- these are my words.
3 I'm not going to -- if I'm saying it wrong, we want a clean
4 record that is your testimony, so correct me. You basically
5 said that you can't have one-size-fits-all solutions because
6 each store is unique, and the problems of partners are unique.
7 Is that --

8 A Yes.

9 Q -- generally what you said?

10 A Yes.

11 Q Okay. I wanted to talk about the stickies that were
12 posted on the posters that you had talked about during your
13 direct examination, for a second. And let me -- let me just
14 grab those. And it simply may be that I -- I did not fully
15 hear, at the time that you were giving this testimony. In your
16 affidavit, this is -- this is page 9, line 18, and I'll -- I'll
17 provide it to you, if necessary. You indicated that you posted
18 a sticky note that -- and this was in response to what would --
19 the -- the "what would make you proud" questions -- I'm just
20 looking for it.

21 So in your -- on the -- the document marked General
22 Counsel's Exhibit 5, I believe you testified that your -- your
23 sticky was in the bottom -- if I'm looking, it's on my
24 righthand side -- the bottom righthand corner -- first company
25 in the industry to support workers' right to organize. Do you

1 see that?

2 A Yes.

3 Q And am I correct that you posted -- you didn't post
4 another sticky on this? We don't see your handwriting anywhere
5 else on here, or do we?

6 A No, that is the only one.

7 Q Okay. And in -- in your affidavit, you actually said that
8 your answer was, to that question, working for a corporation --
9 this is in quotes -- working for a corporation this large that
10 allows us to unionize. And so I'm going to show it to you.
11 This is line 17 through 18 of your affidavit, on page 9. Would
12 you just review that, to refresh your recollection?

13 Do you see that?

14 A Yeah.

15 Q So in -- in your affidavit, you said that your answer was,
16 quote, working for a corporation this large that allows us to
17 unionize; that's what you stuck on this particular poster. Is
18 that something you posted, or was that the bottom right that --
19 you were trying to characterize the bottom righthand corner?

20 A Yes. That -- I believe my intention was to -- by saying,
21 "first company in the indus" -- or "first company in the
22 industry", to say more "big company". But I -- I think I just
23 forgot the exact wording --

24 Q Okay.

25 A -- because after the meeting, I wasn't able to access the

1 actual stickies.

2 Q That's what I was asking. Thank you.

3 JUDGE GEE: Let me just confirm something with you then.

4 Take a -- take a look at General Counsel Exhibit Number 5. Do
5 you see the sticky in the lower righthand corner that says,
6 1-S-T, 1st?

7 THE WITNESS: Um-hum.

8 JUDGE GEE: Is that what you wrote?

9 THE WITNESS: Yes.

10 JUDGE GEE: Okay. So that's your statement?

11 THE WITNESS: Yes.

12 JUDGE GEE: Thank you.

13 Go ahead, Mr. Levine.

14 MR. LEVINE: Thank you, Your Honor.

15 Q BY MR. LEVINE: Now, when -- when you were in -- and
16 I'm -- "you" -- I'm using sort of the collective "you" at the
17 meeting. When you were invited to put green dots on things
18 that resonated you -- resonated with you -- and I think that --
19 those were your words -- "resonated"; is that right?

20 A Yes.

21 Q Okay. When you were invited to do that, did you -- did
22 you take your -- did the people, like, take their time and
23 think about it, or did people just, like, rush up and start
24 doing stuff?

25 A I don't recall.

1 Q Okay. Do you recall what you did?

2 A I -- I walked straight up there. I was -- I -- I recall
3 just walking up there and sticking a few on there and sitting
4 back down.

5 JUDGE GEE: And then, when you -- what you're testing --
6 testifying about now are the green dots or the stickies?

7 MR. LEVINE: The green dots.

8 JUDGE GEE: I see.

9 MR. LEVINE: Yes.

10 Q BY MR. LEVINE: And so some things you chose to put a
11 green dot on, and some you just took a pass on, right? You --
12 you focused on the things that interested you?

13 A Yes. We also had a limited number of dots.

14 Q Got you. How many -- how many dots did you have?

15 A It was -- I'm not sure. It was one sleeve of dots, so
16 maybe a dozen.

17 Q A -- a -- about a dozen?

18 A I'm -- I really am specu -- I'm really not sure. I don't
19 remember.

20 Q Do you recall using them all, or did you leave some on the
21 thing?

22 A I don't recall.

23 Q Okay. Now, I -- I picked up on a word, and this was in
24 relation -- you had given some testimony about your -- your
25 exchange with Mr. Schultz about NLRB charges. And my

1 understanding was you sought to initiate this discussion. He
2 didn't want to have it. You tried to continue to have it. He
3 didn't want to have it. And the discussion eventually moved
4 into another topic. Is that accurate?

5 A Yes.

6 Q Okay. That made you frustrated?

7 MR. FRUMKIN: Objection. Relevance.

8 JUDGE GEE: What is the relevance?

9 MR. LEVINE: This, I -- I think, is sort of part of the
10 context of the meeting. And the -- the witness does describe
11 that in They's affidavit.

12 JUDGE GEE: Their affidavit.

13 MR. LEVINE: Their affidavit.

14 JUDGE GEE: And --

15 MR. LEVINE: Sorry.

16 JUDGE GEE: -- to -- to the extent the witness' subjective
17 reaction -- I'm going to -- I'm going to allow the answer.
18 I -- I don't find it helpful, but go ahead.

19 A I think -- or rather, more so than just him not wanting to
20 have the conversation, but more so his body language and the
21 way that he spoke to me is what frustrated me, as well as the
22 deflection to talking about a union organizer in Chicago,
23 rather than actually answering what I was saying. So it --
24 I -- for me, it was more the way in which he responded.

25 Q BY MR. LEVINE: Well, thank you. You -- you -- and you

1 testified about this earlier. You testified that Mr. Schultz
2 did share a story from his visit to the Chicago Roastery. Do
3 you recall that?

4 A Yes.

5 Q And did he indicate that the visit to the Chicago Roastery
6 had been the day before coming to Long Beach?

7 A Yes.

8 Q And in that discussion, he recounted for you that he went
9 to the Chicago Roastery to participate in a memorial service
10 for a partner who had been murdered a few days earlier; do you
11 recall that?

12 A Yes.

13 Q Okay. And do you recall him saying that, while in the
14 middle of the memorial service, a union organizer burst in and
15 started yelling at him -- do you recall that?

16 A Yes.

17 Q And you certainly can appreciate why that would be
18 upsetting to anybody in attendance at that memorial service --

19 MR. FRUMKIN: Objection.

20 Q BY MR. LEVINE: -- can't you?

21 MR. FRUMKIN: Relevance.

22 MR. LEVINE: No, no, no.

23 JUDGE GEE: Go ahead and answer the question.

24 A Yes.

25 Q BY MR. LEVINE: If you were at a memorial service for a

1 family member, and someone burst into that memorial service and
2 disrupted it, that would make you very upset?

3 MR. FRUMKIN: I renew my objection.

4 JUDGE GEE: That one I'll sustain.

5 MR. LEVINE: Okay.

6 Q BY MR. LEVINE: Can -- you know, you've used the word
7 "empathy" during your testimony. And you indicated that Mr.
8 Schultz had expressed empathy at times during the meeting. Do
9 you recall that?

10 A Yes.

11 Q Okay. And can you empathize, given what happened in
12 Chicago, that the conversation that you initiated or tried to
13 initiate and continued to initiate with Mr. Schultz was not a
14 conversation he wanted to have at that time?

15 MR. FRUMKIN: Objection --

16 A No.

17 MR. FRUMKIN: -- to relevance.

18 MR. LEVINE: All right.

19 JUDGE GEE: It's -- it's -- it's not relevant.

20 MR. LEVINE: Okay. Thank you, Your Honor. I'll -- I'll
21 move on.

22 Q BY MR. LEVINE: You had given some testimony about sort of
23 how the -- how the -- your efforts to have this discussion with
24 Mr. Schultz unfolded. And at some point, he expressed that he
25 perceived that you were angry at Starbucks. Do you recall

1 that?

2 A Yes.

3 Q Okay. And his perception was correct; was it not?

4 MR. FRUMKIN: Objection. Relevance.

5 MR. LEVINE: No, no, no. This is --

6 JUDGE GEE: Let --

7 MR. LEVINE: I'm sorry. I'm --

8 JUDGE GEE: Thank you, Mr. --

9 MR. LEVINE: Yes, I'm sorry.

10 JUDGE GEE: -- Levine. Go ahead. I'm -- I'm ready to
11 listen to what you have to say. I heard the objection.

12 MR. LEVINE: So -- so -- so everything that transpired at
13 the meeting -- what was said, at what moment -- is all relevant
14 to the environment under which an 8(a)(1) allegation is
15 assessed. Whether or not the -- what occurred in front of
16 partners was coercive or not -- part of what will be assessed
17 by Your Honor and subsequently, if necessary, by either party,
18 would be what was said, was it accurate, did people give
19 truthful answers --

20 JUDGE GEE: Remind me what your question was.

21 MR. LEVINE: Yeah. My question was initially that Mr.
22 Schultz had expressed to Mx. Hall that he perceived that she
23 (sic) was angry at Starbucks about something. And -- and Mx.
24 Hall said, yes, that is in fact what he said. And I -- and I
25 indicated -- I had asked, was his perception correct? Mx. Hall

1 said, yes.

2 MR. FRUMKIN: No.

3 MR. LEVINE: And then I --

4 MR. FRUMKIN: That's --

5 MR. LEVINE: I thought --

6 MR. FRUMKIN: I believe that's --

7 JUDGE GEE: Sir --

8 MR. FRUMKIN: -- where I actually objected.

9 JUDGE GEE: Mr. Frumkin, kindly direct your comments
10 towards me.

11 MR. FRUMKIN: Thank you. I -- I apologize.

12 JUDGE GEE: Appreciate it.

13 Remind me the question that prompted the objection -- the
14 most recent objection.

15 MR. LEVINE: That tests my memory beyond what I'm capable
16 of doing, without having the court reporter read it back, Your
17 Honor.

18 JUDGE GEE: Why don't we -- why don't you start again?

19 MR. LEVINE: I -- I --

20 JUDGE GEE: Why don't you ask --

21 MR. LEVINE: I --

22 JUDGE GEE: Why don't you ask --

23 MR. LEVINE: I will do it again.

24 JUDGE GEE: -- your next question?

25 MR. LEVINE: Okay.

1 JUDGE GEE: And -- and refrain from answering, if there's
2 an objection.

3 MR. LEVINE: Okay. I'll -- I'm going to try and take it
4 from the top, as best I can.

5 Q BY MR. LEVINE: During the meeting, Mr. Schultz expressed
6 to you that he perceived that you were angry at Starbucks. Is
7 that true?

8 A Yes.

9 Q And was his perception correct?

10 MR. FRUMKIN: Objection. Relevance.

11 JUDGE GEE: It's not relevant. This -- this wit -- what
12 was in this witness' head is not relevant to what she (sic)
13 said.

14 MR. LEVINE: Well, but she -- I'm sorry -- they -- them --
15 they said, in the exchange that we watched yesterday, that in
16 fact they were angry. So -- so Mr. Schultz picked up on
17 something, asked about it. This -- the individual during the
18 conversation said, you know, yes, I am.

19 JUDGE GEE: Sure. Then let's stick to what was said --

20 MR. LEVINE: Okay.

21 JUDGE GEE: -- as opposed to what was felt.

22 MR. LEVINE: Okay. Thank you, Your Honor.

23 Q BY MR. LEVINE: Did you in fact indicate that you were
24 angry at Starbucks?

25 A Yes.

1 Q Okay. And in your testimony -- and you've described this
2 in a -- a variety of different ways. And forgive me, for a
3 moment, while I -- I go find them.

4 During your testimony, you -- you said the words that Mr.
5 Schultz said to you, at some point during this exchange, was
6 that, if you hated Starbucks so much, why don't you go
7 somewhere else; do you recall that?

8 A Yes.

9 Q Okay. In fact, he never used the word "hate" at all, did
10 he?

11 A Can you --

12 JUDGE GEE: That you recall?

13 A That I -- I recall him saying that.

14 Q BY MR. LEVINE: Okay. So there is a video of the exchange
15 that we got to see, and there's a transcript of it. I
16 certainly don't remember him -- and we'll -- we'll be able to
17 deal with that, perhaps, at another time. You were the one
18 that said, you know, there's this perception that we hate
19 Starbucks. You used the word "hate". Were you confused when
20 you described what he said as, if you hate Starbucks so much,
21 why don't you go somewhere else?

22 A I don't -- I'm not sure.

23 Q Is it fair to say that, as you sit here today, you're not
24 actually sure exactly how he expressed himself?

25 A I believe, in my affidavit, it says, "something to the

1 effect of".

2 Q No. Here, let me -- let me -- let me refresh your
3 recollection with your affidavit, starting with page 12, line
4 11. And I -- I've underlined it. And then we can go to the
5 bottom of 22 and 23, and you can review that and then read your
6 exact words in your affidavit into the record.

7 A "That's when he said, 'If you hate Starbucks so much, why
8 don't you go somewhere else?' Those were pretty much his exact
9 words. He said, 'If you hate Starbucks'" -- wait. "He said,
10 'If you hate Starbucks so much, why don't you go somewhere
11 else?' or 'Why don't you go somewhere else?'"

12 Q And did you read at the bottom, as well? Did you just
13 read the two?

14 A "The event ended not too long after Schultz said that, if
15 I hated Starbucks so much, why don't I go somewhere else?"

16 Q So you're certain that he asked you or suggested to you
17 that you hated Starbucks, and those were his words, because
18 they're in quotes?

19 A It says, "These were pretty much his exact words -- 'If
20 you hate Starbucks, why don't you go somewhere else?' or '...Why
21 don't you go somewhere else?'" I was unsure exactly what the
22 first part of the phrase was. However, the response from the
23 other person in the room that said, it's not about hating
24 Starbucks, it's about wanting to make it better, I believe, is
25 what made me think that that is what he said.

1 Q Okay. So I'll give you one more opportunity. Thank you
2 for handing back the affidavit. Is it your testimony that
3 Schultz used the word "hate" or that someone else did?

4 A To the best of my knowledge, that is what he said.

5 Q Okay. Did you use the word "hate"?

6 A I don't recall.

7 Q Okay. The -- and I'll -- I'll tender back the affidavit
8 in a moment here. The -- you talked about the meeting
9 concluding. And I'm -- I'm not sure if I'm confusing your
10 affidavit or your testimony, so I want to be clear on this. I
11 think you indicated that Mr. Schultz left abruptly. Not
12 those -- you didn't use the word "abruptly", but something like
13 that -- he sort of left quickly, when Ms. Cicerani brought the
14 meeting to a conclusion. Is that right?

15 A It was opened up for pictures. They said, if anybody
16 wants a picture with Howard Schultz, so he walked to the back
17 of the room. And some people went over for a picture. And
18 then I -- a few minutes later, I was talking to people, and
19 somebody I was talking to wanted a picture with Howard Schultz.
20 So they looked up at Howard Schultz, to get a picture with him,
21 and he was already gone.

22 Q Okay, he was already gone. Was there -- was there some
23 sort of gathering outside the building happening, when Mr.
24 Schultz left?

25 A Yes.

1 Q What was the gathering that was happening outside the
2 building when Mr. Schultz left?

3 A People were handing out information regarding
4 unionization.

5 Q I see -- and I don't -- I don't want to know who. I --
6 I'm interested in how that came to be, if you know.

7 MR. FRUMKIN: Objection, to the extent that it calls for
8 an intrusion into section 7 activity.

9 MR. LEVINE: So -- so --

10 JUDGE GEE: Well, pause. Pause.

11 MR. LEVINE: I'm sorry.

12 JUDGE GEE: Pause.

13 MR. LEVINE: I'm sorry. I always do that.

14 JUDGE GEE: How so?

15 MR. FRUMKIN: To the extent it -- it calls into question
16 whether or not Mads was aware beforehand of whether or not this
17 conduct would be happening, that directly implicates their
18 section 7 activity, which, to this point, has not been at issue
19 in direct or cross.

20 JUDGE GEE: Do you want to rephrase?

21 MR. LEVINE: Not really, Your Honor. I'll explain why, if
22 I -- if I could, for a moment.

23 JUDGE GEE: Yeah, go ahead.

24 MR. LEVINE: And I -- I would encourage, because it'll
25 probably come up again in these proceedings -- the -- the

1 decision in Oxarc. A -- a former employee cannot be coerced,
2 in the exercise of their section 7 rights, by being examined
3 about the exercise of their section 7 rights in a manner that
4 are relevant to a case. So --

5 JUDGE GEE: Well, right. But may -- may -- maybe so.
6 Even so, the information about the matter with which
7 individuals planned a section 7 activity is -- is something
8 that the witness does not have to disclose. So I believe --
9 what I recall is that your question would prompt an answer that
10 would explain the process by which this handing out of union
11 literature took place.

12 MR. LEVINE: Well, what -- what I'm -- what I am eliciting
13 is that this was a pre-arranged event or an event that was
14 arranged from the room. And I'm putting in context, because
15 the witness testified that Mr. Schultz made a precipitous exit
16 from the room, why and how that came to be. And that -- that
17 is part of the context of the meeting and whether or not it was
18 coercive and -- and to who, frankly -- objectively -- not
19 subjectively -- objectively. So a -- a full -- it is a full --
20 it is a part of the meeting, at this point, because it didn't
21 happen by accident.

22 JUDGE GEE: Well, that -- that it -- that it occurred is
23 something the witness can testify about. The process by which
24 it was planned --

25 MR. LEVINE: Let me -- let me -- let me try and say it a

1 different way.

2 JUDGE GEE: I -- I --

3 MR. LEVINE: If --

4 JUDGE GEE: I would appreciate that.

5 MR. LEVINE: Okay. If -- this is just addressing the
6 objection. And this is a -- a curt way of saying it. But
7 we've all been at it a long time, and I'm not sure I -- I can
8 formulate better words. If the witness went to the meeting to
9 pick a fight, whether and how the fight occurred is relevant to
10 the issue of interrogation, polling, and threats under 8(a)(1).
11 It just is. So again, you know, we can have a full exploration
12 of what happened on April 8th around the building or not. But
13 that's why I was asking the question.

14 JUDGE GEE: Why don't you reask -- why don't you rephrase
15 the question? I think that would be most beneficial.

16 MR. LEVINE: I'll -- I'll -- I'll give it a shot.

17 Q BY MR. LEVINE: Was there some sort of event outside of
18 the -- of -- I don't know the name of the venue anymore -- Park
19 something -- was there an event outside that occurred toward
20 the end of the April 8th meeting?

21 A Can you explain what you mean by "event"?

22 Q So I'll say it a different way. There were windows in the
23 room; is that right? You could see out to the street or the
24 sidewalk --

25 A I --

1 Q -- or something like that?

2 A I believe so, yes.

3 Q Okay. And -- and from the windows, was there a gathering
4 that was visible that was starting to happen at the time,
5 toward the end of the meeting?

6 A No, not that I recall.

7 Q Okay. How did you know that there was a gathering outside
8 the building? You testified that you knew there was. How did
9 you know that?

10 A They were actually more towards the parking lot. They
11 were not near the door or the building.

12 Q So you were able to see them toward the parking lot?

13 A Well, I eventually left the building to go to my husband's
14 car. And when I left the building to go to my husband's car, I
15 saw them.

16 Q Okay. Were you aware they were there before you got to
17 your husband's car?

18 MR. FRUMKIN: Objections to relevance and to the extent it
19 intrudes on section 7 activity.

20 JUDGE GEE: Go ahead and --

21 MR. FRUMKIN: I think --

22 JUDGE GEE: Just go ahead and answer the question.

23 A Yes.

24 Q BY MR. LEVINE: Okay. And -- and since you were not able
25 to see them from the room and could only see them in the

1 parking lot when you went outside and knew they would be there,
2 that means this was pre-arranged?

3 A I want to elaborate. I thought that there might be people
4 out there, based on the fact that the meeting was taking place.
5 And -- but there was no concrete plans that I was aware of, for
6 there to be people out there.

7 JUDGE GEE: And would it be accurate to say that you
8 didn't -- you did not see anything that would lead you to
9 believe that there was -- there were employees gathered
10 outside?

11 THE WITNESS: That is correct.

12 JUDGE GEE: Nor did you -- well, did you hear anything
13 that would cause you to form that belief?

14 THE WITNESS: No.

15 JUDGE GEE: All right. Go ahead, Mr. Levine.

16 MR. LEVINE: And when you say, Your Honor, you didn't
17 hear, you're talking about noises, or you're talking about in
18 advance of the meeting?

19 JUDGE GEE: Oh. Just noise, like --

20 MR. LEVINE: Okay.

21 JUDGE GEE: -- people with a bullhorn outside.

22 MR. LEVINE: Okay.

23 Q BY MR. LEVINE: So you had indicated, Mx. Hall, that you
24 were texting from the room during the meeting?

25 A I would like to elaborate on that, if possible. I did not

1 text in the meeting at all. I got up to use the restroom at
2 one point, which I do believe was in my affidavit -- or that
3 people got up to use the restroom. And when I was in the
4 restroom, I did tell people that Howard Schultz did in fact go
5 to the meeting.

6 Q Okay. And -- and in what way did you do that? How did
7 you tell them?

8 A What do -- what do you mean?

9 Q Did -- did you broadcast it on social media? Did you
10 text? What -- how did you let people know?

11 A I texted them in a messaging app. I am not quite sure
12 which one it was.

13 Q Okay. And what -- what would be the universe of messaging
14 apps that you use?

15 MR. FRUMKIN: Objection to relevance. This is -- we -- we
16 understand that there was communication, and the medium is not
17 relevant.

18 JUDGE GEE: What was his --

19 MR. LEVINE: The -- I mean, look --

20 JUDGE GEE: Go ahead. Go ahead. What -- what is the
21 relevance?

22 MR. LEVINE: Well, the -- the idea that this was not
23 pre-arranged or known by Mx. Hall is, I think, being
24 contradicted by this area of exploration. Mx. Hall indicates
25 that Mx. Hall went to the bathroom for a break and broadcast on

1 a social media app that --

2 THE WITNESS: That is not what I said.

3 JUDGE GEE: Pause.

4 MR. LEVINE: Well --

5 JUDGE GEE: Pause, Mx. --

6 MR. LEVINE: -- communicated --

7 JUDGE GEE: -- Mx. Hall --

8 THE WITNESS: I apologize.

9 JUDGE GEE: I'm -- I'm having a communication with --

10 MR. LEVINE: Yeah.

11 JUDGE GEE: -- Mr. Levine, please.

12 MR. LEVINE: Yeah. Commu -- communicated that -- that Mr.
13 Schultz was present. The -- I'm -- I'm now going into what the
14 nature of those communications were. Again, it's at the
15 meeting. It's about the meeting. People are showing up. And
16 I'm trying to get behind all of the testimony about Mr.
17 Schultz's exit from the meeting. So --

18 JUDGE GEE: All right. Go --

19 MR. LEVINE: -- if this is better for my 611(c) stuff, I
20 can do that, too.

21 JUDGE GEE: I understand that. How many more questions on
22 this?

23 MR. LEVINE: Barely any.

24 JUDGE GEE: Go ahead and answer -- ask your next question.

25 MR. LEVINE: Okay.

1 Q BY MR. LEVINE: Was there -- on this messaging app, was
2 there communication back to you? And don't tell me who. Don't
3 want to -- I don't want to know. Was there communication back
4 to you or a reaction to what you conveyed?

5 A Yes.

6 MR. FRUMKIN: I'll obj --

7 Q BY MR. LEVINE: And -- and -- and did you get an
8 indication or have any communication at that time about people
9 maybe gathering and coming to hand out stuff?

10 MR. FRUMKIN: Again, I'm -- I'm just going to renew my
11 objection.

12 MR. LEVINE: I don't want to know who.

13 JUDGE GEE: I -- I'm going to sustain, at this point.

14 MR. LEVINE: Okay.

15 Q BY MR. LEVINE: The -- in -- in your affidavit -- and I'm
16 going to sort of tender back the affidavit right after this --
17 you had indicated that there was some -- and you testified
18 about this -- there was some milling around after the meeting
19 concluded, yes?

20 A Yes.

21 Q And -- and you talked to some people in the room before
22 you left, yes?

23 A Yes.

24 Q And some people were sharing stories about benefits that
25 Starbucks had provided that had helped them through life; is

1 that right? You recall that?

2 A At what point in the meeting was this?

3 Q At -- at -- at the end, when it broke up.

4 A That was before it broke up.

5 Q Okay. Page 13 of your affidavit I'm going to read page --

6 JUDGE GEE: Why -- why don't you just ask the witness --

7 MR. LEVINE: Yeah.

8 JUDGE GEE: -- about it?

9 Q BY MR. LEVINE: Yeah. So -- so what do you recall of
10 individuals talking about how the benefits that Starbucks had
11 provided during their careers had benefitted them and when you
12 heard them say that at the meeting?

13 A After -- after we were done with the activity -- the
14 sticky note activity, people were just sharing different
15 stories of them. I think somebody mentioned, I don't know,
16 maybe something about, like, a cup fund or -- I -- I can't
17 quite remember, but people were just talking. This is when we
18 were still in our seats. And then, after that was when she
19 told the facilitator, open it up for pictures with Howard
20 Schultz. And that is when everybody got up.

21 MR. LEVINE: And again, Your Honor, I don't know if you
22 mind if I read one line from this, or you'd just rather have me
23 give the witness the affidavit, to see if I can refresh her
24 recollection a bit, or They's recollection. I'm so sorry.

25 JUDGE GEE: Yeah. Ask -- ask one more question and see if

1 you can prompt -- ask a leading question to see if you can
2 prompt the witness' recollection.

3 MR. LEVINE: Fair enough.

4 Q BY MR. LEVINE: Is it -- is it true that two people cried,
5 and they thanked Mr. Schultz and talked about how the benefits
6 had helped them?

7 A Yes.

8 Q And is it true that that had occurred after Ms. Cicerani
9 had wrapped things up?

10 A No, from my recollection, that was before we all stood up
11 our chairs.

12 MR. LEVINE: Okay. I'm going to return, and I'm going to
13 ask my team to return the copies of the affidavit that you were
14 provided. Thank you, Counsel.

15 It appears on my computer, Your Honor, that we are at
16 4:19. If I could have five minutes to talk with the team to
17 see if this is a natural break, you know, to sort of pivot to
18 the 611c stuff at some other time? I'll be -- I'll be brief.

19 JUDGE GEE: Okay. That's fine. We'll be back in five
20 minutes.

21 MR. LEVINE: Okay. Thank you, Your Honor.

22 (Off the record at 4:20 p.m.)

23 JUDGE GEE: Mr. Levine?

24 MR. LEVINE: Thank you, Your Honor. I'm going to just ask
25 a couple more questions, and then it'll be a natural time to

1 sort of pivot -- pivot our approach per our prior discussion.

2 **RESUMED CROSS-EXAMINATION**

3 Q BY MR. LEVINE: Mx. Hall, I think we might've gotten
4 distracted. We were having a conversation about the different
5 messaging apps that you used that you were familiar with, and I
6 never asked you -- I think I asked you the names, and we got
7 off -- off task. So I'm just going to use some names that I'm
8 familiar with, and maybe that'll refresh your recollection.
9 Discord -- is that --

10 MR. FRUMKIN: I'm going to renew my objection on relevance
11 grounds here.

12 JUDGE GEE: So pause. What is -- what is the relevance of
13 the -- I -- I don't even know what the word --

14 MR. LEVINE: So --

15 JUDGE GEE: -- is, the --

16 MR. LEVINE: The messaging apps?

17 JUDGE GEE: Yes.

18 MR. LEVINE: Yeah. So you know, in our -- in our duces
19 tecum we're going to be seeking, basically, any communications
20 related to April 8th, among other things. You know, no --
21 no -- no secret as to why we would do that, and so for purposes
22 of the duces tecum, understanding the messaging apps that the
23 witness uses will help us narrow the subpoena.

24 JUDGE GEE: Okay. Go ahead.

25 MR. LEVINE: Yeah.



1 Q BY MR. LEVINE: So is Discord one of the messaging apps
2 that you might've used at the time?

3 A Yes.

4 Q How about Snapchat?

5 A No.

6 Q Instagram?

7 A No.

8 Q Facebook?

9 A No.

10 Q WhatsApp?

11 A No.

12 Q Reddit?

13 A No.

14 Q Twitter?

15 A No.

16 Q Any others that you can name?

17 A I can't think of any other ones.

18 Q So then, would it have been fair to say that it was
19 probably Discord that you used?

20 A Yes.

21 MR. LEVINE: Thank you very much, Mx. Hall. Appreciate
22 your patience today. It's been a long day. I'll tender --
23 I'll tender the witness --

24 JUDGE GEE: Thank you.

25 MR. LEVINE: -- at this point.



1 JUDGE GEE: Thank you. General Counsel?

2 MS. PARKER: Could I have just a couple minutes, just to
3 consult with my --

4 JUDGE GEE: Of course.

5 MS. PARKER: -- colleague?

6 JUDGE GEE: Let's go off record for just a moment.

7 MS. PARKER: Okay.

8 JUDGE GEE: Everyone stay put.

9 (Off the record at 4:28 p.m.)

10 JUDGE GEE: General Counsel, do you have any questions for
11 this witness?

12 MS. PARKER: No more questions for the witness.

13 JUDGE GEE: Thank you. Mr. Frumkin?

14 MR. FRUMKIN: I do, thank you.

15 **REDIRECT EXAMINATION**

16 Q BY MR. FRUMKIN: Mads, you described that you noticed Mr.
17 Schultz's body language toward this -- after your interaction
18 with him. Could you describe his body language?

19 A Yes.

20 MR. LEVINE: Just -- just so we're clear, I'll -- I'll
21 make an objection that I've heard regarding relevance of body
22 language.

23 JUDGE GEE: Sorry. Overruled.

24 MR. LEVINE: Okay.

25 A He would turn away from me after I asked him questions and

1 not really address me, but the room. Like, he apologized on my
2 behalf, and he, at one point, like, crossed his legs and kind
3 of leaned into me and kind of had, like, a look on his face
4 that I would describe as anger or disgust, even. He put his
5 hand up to me at one point. That is what I remember.

6 MR. LEVINE: Thank you. One sec. I'm just taking one
7 quick look at my -- my notes.

8 Thank you. No further questions.

9 JUDGE GEE: Mr. Levine?

10 MR. LEVINE: Your Honor, I'm going to reserve this for my
11 611c -- the -- for the continuation of my examination. But --
12 so I'm clear, because we had talked about subjective or
13 objective, and I want to sort of have a sense of this before we
14 come back. It's my understanding that the witness just gave
15 They's subjective impressions of Mr. Schutlz and what he was
16 doing. Am I -- am I accurate?

17 MR. FRUMKIN: She -- excuse me. They reported their
18 observations as to the CEO's purported body language at that
19 particular time during the April 8th meeting. While the
20 perceptions were individual, they were based on objective
21 physical movements. So it wasn't, say, a question of how did
22 that make you feel? How did you interpret that? But rather,
23 what did you observe? And the witness described their
24 observations. And so that is part of an objective analysis, in
25 that these are all externally observable movements and

1 expressions.

2 JUDGE GEE: So -- so when, theoretically, I play the video
3 of the interaction for Mx. Hall, when we come back, and I make
4 observations about Mx. Hall's body language and ask Mx. Hall
5 questions about Mx. Hall's body language, that'll be okay?

6 JUDGE GEE: Depends on the question. If it's -- if it's a
7 question getting to the witness' internal thoughts, those are
8 purely subjective. If it's, however, did you not raise your
9 left hand in response to what the CEO asked you, that's an
10 objectively observable action.

11 MR. LEVINE: That's very helpful, Your Honor. Thank you.

12 JUDGE GEE: General Counsel, any more questions?

13 MS. PARKER: Nothing further, Your Honor.

14 JUDGE GEE: All right. Thank you. I understand, Mr.
15 Garber, that you have a document you wish to offer into the
16 record?

17 MR. GARBER: Can you get Joint Exhibit 1 and 2?

18 MS. PARKER: Okay. Sure.

19 MR. FRUMKIN: Yeah.

20 MR. GARBER: So Your Honor, at yesterday's portion of the
21 hearing, we played a video -- a portion of the events of April
22 8th.

23 MS. PARKER: Oh. Can -- can we excuse Mads at this point,
24 since it's been a long day?

25 MR. GARBER: Oh, yeah.

1 MR. FRUMKIN: Yeah, absolutely.

2 JUDGE GEE: Oh. Oh --

3 MR. FRUMKIN: Yeah.

4 JUDGE GEE: Thank you. Thank you very much, Mx. Hall. We
5 appreciate your patience and -- and your stamina. It has been
6 a long day, and you've been -- you've been uniformly pleasant
7 answering all these questions. So we thank you. You're free
8 to go.

9 THE WITNESS: Thank you.

10 MS. PARKER: And I do need Mads to sign a form for me real
11 quick before we leave --

12 JUDGE GEE: Okay, let's go off --

13 (Counsel confer)

14 JUDGE GEE: -- the record a minute.

15 (Off the record at 4:38 p.m.)

16 JUDGE GEE: General Counsel?

17 MS. PARKER: Act --

18 JUDGE GEE: Or -- or Mr. Garber --

19 MS. PARKER: Yeah, actually --

20 MR. GARBER: Yeah.

21 JUDGE GEE: I apologize.

22 MR. GARBER: So yesterday, we -- yesterday's portion of
23 the hearing, we watched a partial video -- or a video of part
24 of the events of April 8th. That video has been transcribed.
25 All the parties have a copy of the video and have had a chance

1 to view the transcript. We have met and conferred on the
2 transcript, and there are some edits to the transcript, which
3 is the final page of Joint Exhibit 1. So I would offer into
4 evidence as Joint Exhibit 1 the transcript of the -- it's
5 titled April 8th, 2022, Long Beach Full -- Full Interaction,
6 and Joint Exhibit 2 is a jump drive with the video of it.

7 JUDGE GEE: All right. And you're offering Joint Exhibits
8 1 and 2?

9 MR. GARBER: Yes.

10 JUDGE GEE: Any objection?

11 MS. PARKER: No.

12 JUDGE GEE: Hearing -- Mr. Levine?

13 MR. LEVINE: No. Thank you.

14 JUDGE GEE: Hearing -- hearing no objection, Joint
15 Exhibits 1 and 2 are received.

16 **(Joint Exhibit Numbers 1 and 2 Received into Evidence)**

17 JUDGE GEE: Thank you. Thank you.

18 MR. GARBER: We've ran off the staples -- we've ran off
19 staples with no issue. That -- that goes into one of the --

20 JUDGE GEE: Is this an addendum?

21 MR. GARBER: Yes. That's --

22 JUDGE GEE: Yes. Okay.

23 MR. GARBER: Okay. He gave me -- to be uploaded with it,
24 for the jump drive.

25 JUDGE GEE: I see. Perfect.

1 MS. PARKER: I have paper clips.

2 JUDGE GEE: Oh, great. On top of it. Thank you.

3 (Counsel confer)

4 JUDGE GEE: Thank you. Anything else -- or let me ask you
5 this, Madam Court Reporter -- have we -- are General Counsel
6 Exhibits 1 through 7 all been admitted? Thank you.

7 Anything else before we conclude for the day?

8 MR. LEVINE: Are we still on record, Your Honor?

9 JUDGE GEE: We are.

10 MR. LEVINE: Yeah, I have one more -- one more
11 housekeeping matter. As a matter of due process, the
12 Respondent is entitled to know the actual claims and theories
13 that are being as -- being -- being asserted by the General
14 Counsel, as well as the remedy sought, so that its defense is
15 not subject to a moving target. There was some -- there was
16 some discussion about remedies being sought, oh, I think
17 earlier -- very early in the day. One -- one question that I
18 had is whether or not the General Counsel is seeking any remedy
19 not stated in the complaint. We'd like representation from the
20 General Counsel regarding that.

21 The other -- the other question, and if we have to do this
22 by motion or otherwise, we certainly will, but is -- is the --
23 is it a theory or the theory of the General Counsel that
24 Starbucks may not lawfully conduct the type of meeting at issue
25 with its nonunion partners as long as there is any organizing

1 at any U.S. location? Or is it something else? And so we
2 would like an answer to that question, so that we can prepare
3 our defense.

4 JUDGE GEE: General Counsel?

5 MS. PARKER: As far as the remedies, they are what is
6 stated in the current complaint, which was part of the formal
7 exhibits. We don't have additional remedies, but we are
8 seeking -- as far as our theory of the case, the focus of this
9 case is this April 8th meeting and the conduct that occurred at
10 that meeting was unlawful. I don't know if that answers your
11 questions.

12 MR. LEVINE: It -- it -- it does not.

13 JUDGE GEE: Well -- well --

14 MR. LEVINE: They -- they --

15 JUDGE GEE: The -- the -- the complaint satisfies the
16 requirements of the Board's rules and regulations. General
17 Counsel does not need to articulate her particular theories
18 behind the allegation.

19 MR. LEVINE: I couldn't disagree more.

20 JUDGE GEE: That's fine.

21 MR. LEVINE: And -- and -- and -- and again, due process
22 requires -- for example, and this is in the -- I -- I -- I
23 can't remember which manual it's in, because there's so many of
24 them. But if the General Counsel were seeking a change in the
25 law, we would be entitled to notice of that. So I didn't --

1 you know, we -- we have seen in some complaints where the
2 General Counsel stated that a change in the law was being
3 sought. There is no such statement in this complaint, so we
4 are taking it that there is no change in the law being sought
5 in this case.

6 MS. PARKER: There -- there is not.

7 MR. LEVINE: Okay. Well, a -- a claim that Starbucks may
8 not lawfully conduct this type of meeting with its nonunion
9 partners as long as there is organizing at any U.S. location
10 would seek a change in the law. So I am taking from this that
11 that is not the General Counsel's theory of this case.

12 JUDGE GEE: General Counsel?

13 MS. PARKER: I -- I -- I mean, I think -- I think that we
14 could brief that issue, and if it's an -- an issue that's
15 pertaining to the subpoena production, you know, we can
16 continue talking about that. I think we are and have been open
17 to, you know, finding ways to narrow the production and you
18 know, narrow your defense.

19 MR. LEVINE: So -- so --

20 MS. PARKER: We can continue discussing -- discussing
21 that.

22 MR. LEVINE: This -- this is meant entirely as a
23 compliment, but you know, we -- we -- we have dealt with very
24 skilled lawyers on -- on the other side, as -- as skilled
25 lawyers on the other side have dealt with us. We have gotten

1 nonanswers to these type of questions. We have had
2 administrative law judges direct counsel for the General
3 Counsel to actually get an answer from Washington as to what
4 they're actually saying. And so we could -- I think we can
5 probably -- we could probably try and discuss --

6 MS. PARKER: We can --

7 MR. LEVINE: -- this --

8 MS. PARKER: We can --

9 MR. LEVINE: -- off the record and see if it really --

10 MS. PARKER: Yes.

11 MR. LEVINE: -- becomes an issue, but I -- I'm trying to
12 formulate the most efficient way of proceeding with a defense,
13 and this is directly relevant to that, so --

14 JUDGE GEE: Probably makes sense for this party, Counsel,
15 to discuss further, but my position is that the complaint
16 satisfies due process as spelled out in the Board's rules and
17 regulations. I will not order the General Counsel to
18 articulate her -- her particular theory of the violation, and
19 the complaint adequately spells out the remedy sought.
20 Anything else, of course, may be subject to motion or subject
21 to discussion in -- in -- in the brief to me after -- after
22 this hearing wraps.

23 MR. LEVINE: Thank you, Your Honor.

24 JUDGE GEE: Thank you. Mr. Frumkin, anything from you?

25 MR. FRUMKIN: No, Your Honor.



1 JUDGE GEE: All right. Anything else?

2 MR. GARBER: All right.

3 JUDGE GEE: Well, thank you all. I will see you March
4 13th, here.

5 MR. LEVINE: Thank you.

6 JUDGE GEE: Amanda, thank you.

7 MS. PARKER: Yes, thank you.

8 MR. FRUMKIN: Thank you.

9 **(Whereupon, the hearing in the above-entitled matter was**
10 **recessed at 4:50 p.m. until Monday, March 13, 2023)**

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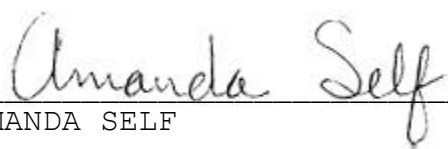
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C E R T I F I C A T I O N

This is to certify that the attached proceedings before the National Labor Relations Board (NLRB), Region 21, Case Number 21-CA-294571, Starbucks Corporation and Workers United Labor Union International, affiliated with Service Employees International Union, held at the National Labor Relations Board, Region 21, US Court House, Spring Street, 312 N. Spring Street, 10th Floor, Los Angeles, California 90012, on February 7, 2023, at 9:05 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.


AMANDA SELF

Official Reporter